

CRM (A) 247 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Tohidul Sk & Anr.**

..... petitioners

Mr. Robiul Islam

.....For the petitioners

Mr. N. P. Agarwala
Mr. Saryati Dutta

.....For the State

Apprehending arrest in connection with Beldanga Police Station Case No. 547/2017 dated 11.12.2017 under Sections 498A/302 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioners are the brothers-in-law of the victim and they have been falsely implicated in an alleged incident, which occurred about 17 years after the victim married the brother of the petitioners herein, following a dispute pertaining to the ancestral property. No specific overt act has been attributed to the petitioners. Upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation may not be necessary and they may be granted anticipatory bail on any stringent condition.

Mr. Agarwala, learned advocate appearing for the State opposes the petitioners' prayer and submits that the present

case is of the year 2017 and the petitioners are absconding till date. From the dying declaration itself, it would be evident that the petitioners have direct involvement in the alleged offence.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials on record against the petitioners herein. Considering the nature of accusations, the conduct of the petitioners and the possible extent of their complicity in the alleged offence, we are not inclined to exercise any discretion in their favour and as such, their prayer for anticipatory bail is refused.

The application being CRM (A) 247 of 2022 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)