

01.03.2022

Item no.22

Court No.32

ss

C.R.M.(A) 403 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal;

And

In Re : Shis Mohammad Sekh @ Bapi Sekh

.... Petitioner

Mr. Manas Kumar Das

....for the petitioner

Ms. Zharin N. Khan

Mr. Sujoy Sarkar

..... for the State

Apprehending arrest in connection with Nabagram Police Station Case No. 150 of 2021 dated 14.06.2021 under Sections 448/302/34 of the Indian Penal Code, the present application has been preferred.

Mr. Das, learned advocate appearing for the petitioner submits that there was a dispute pertaining to land property between the parties and for the same, the petitioner has been falsely implicated. No specific overt act has been attributed to the petitioner. Upon completion of investigation, charge-sheet has also been submitted and as such, custodial interrogation may not be necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under Sections 161 and 164 of the Code as well as the postmortem report.

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

Prima facie, specific overt act has been attributed to the petitioner. Considering the seriousness of the offence and the possible extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner.

Accordingly, the application for anticipatory bail being C.R.M. (A) 403 of 2022 is 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.)