

CRM (A) 416 of 2022
(via video conference)

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

In the matter of : **Bikash Kumar Batul @ Bikash Batul**
..... petitioner

Mr. Siddhartha Sarkar

.....For the petitioner

Mr. Madhu Sudan Sur, Ld. APP
Mr. Dipankar Paramanick

.....For the State

Apprehending arrest in connection with Pingla Police Station Case No. 129 of 2021 dated 02.05.2021 under Sections 341, 302, 379 & 34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated due to political rivalry. The allegations are omnibus in nature and upon completion of investigation, charge sheet has already been submitted and as such, he may be granted anticipatory bail on any stringent condition.

Mr. Sur, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the eye witnesses, as recorded under Section 164 of the Code as well as the post mortem report. He further submits that upon completion of investigation, charge sheet has been submitted showing the petitioner as absconding.

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

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

The application being CRM (A) 416 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.)