

03.03.2022

Court No.32

rpan / **26**

CRM (A) 496 of 2022

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

And

In Re.: **Nabirul Sk @ Nabirul Sekh & Another**

- Petitioners

Mr. Mrityunjoy Chatterjee,
Mr. Susnigdho Bhattacharyya
... for the Petitioners.
Mr. Neguive Ahmed,
Ms. Ayantika Roy
... for the State.

Apprehending arrest in connection with English Bazar Police Station Case No.846 of 2021 dated 21.07.2021 under Sections 302/323/34 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that the petitioners were present at the place of occurrence but had no involvement in the alleged offence of murder and as such, the ingredients of Section 302 of the Indian Penal Code, 1860 are not attracted against the petitioners. The principal co-accused persons are already in custody. In the said conspectus, custodial interrogation of the petitioners may not be necessary.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as recorded under Section 161 of the Code and submits that investigation is still continuing and the petitioners are absconding from 21st July, 2021.

Heard the learned advocates and considered the materials in the case diary.

It appears that the petitioners were present at the place of occurrence and their names feature in the FIR. *Prima facie*, there are strong incriminating materials on record against the petitioners and as such, we are not inclined to exercise any discretion in their favour since investigation is still continuing. Accordingly, their prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM (A) 496 of 2022 is, thus, 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.)