

03.03.2022

Item no.39

Court No.32

ss

C.R.M.(A) 519 of 2022

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

And

In Re : Md. Khabiruddin @ Khabiruddin Sk.
.... Petitioner

Mr. Sourav Pal
Mr. Agniswar Chowdhury
....for the petitioner

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan
..... for the State

Apprehending arrest in connection with Samserganj Police Station Case No.11 of 2021 dated 06.01.2021 under Sections 341/325/326/307/34 of the Indian Penal Code, the present application is preferred praying for anticipatory bail.

Mr. Pal, learned Advocate appearing for the petitioner submits that there was a family dispute between two brothers. The petitioner has been falsely implicated. Upon completion of investigation, charge-sheet has also been submitted and as such, custodial interrogation may not be necessary.

Mr. Ganguly, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses and the injury report. He submits that the petitioner is absconding and the charge-sheet was submitted showing him as absconding.

Heard the learned Advocates for the respective parties.

Prima facie, there are strong incriminating materials on record against the petitioner. It appears that the petitioner

stabbed his brother. Considering the nature of injury, the extent of his complicity in the alleged offence and his conduct, we are not inclined to exercise discretion in his favour. Accordingly, his prayer for bail is refused.

The application for anticipatory bail being CRM(A) 519 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.)