

17.03.2022

Court No.32
rpan / 112

CRM 4641 of 2021

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

And

In Re.: **Jiten Gorai**

- Petitioner

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick
... for the Petitioner.
Mr. Madhusudan Sur,
Mr. Dipankar Paramanick
... for the State.

Apprehending arrest in connection with Tamana Police Station Case No.46 of 2021 dated 02.06.2021 under Sections 452/326/436/307/302/120B of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Bhowmick, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated due to previous enmity. The present complaint has been lodged as a counter-blast to an earlier complaint filed by one family member of the petitioner herein which was registered as Tamana Police Station Case No.1 of 2020. No specific overt act has been attributed to the petitioner and as such, custodial interrogation may not be necessary, more so when, upon completion of investigation, charge sheet has been filed.

Mr. Sur, learned advocate appearing for the State opposes the petitioner's prayer and submits that two persons were murdered. He has also drawn our attention to the post-mortem

reports as well as the statements of the witnesses as recorded under Sections 161 and 164 of the Code.

Heard the learned advocates appearing for the respective parties.

Prima facie, there are strong incriminating materials on record against the petitioner. Considering the seriousness of the offence, the manner in which the offence has taken place and his complicity, we are not inclined to exercise any discretion in his favour. As such, his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM 4641 of 2021 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.)