

17.08.2022

17

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 3925 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bagnan** Police Station Case No. **508** of **2021** dated **18.10.2021** under Sections 498A/304B/306/34 of the Indian Penal Code and Sections 3/ 4 of the Dowry Prohibition Act (Charge-sheet filed under Sections 498A/304B/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act).

And

In Re : Uttam Khan & Anr.

..... petitioners

Mr. Habibur Rahaman

Mr. Sumit Naskar

....for the petitioners

Mr. Atif Ahmed Siddiqui

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the first petitioner was arrested.

In such circumstances, CRM(A) 3925 of 2022 is dismissed as infructuous in respect of petitioner no. 1 (Uttam Khan).

So far as the petitioner no. 2 (Samar Khan) is concerned, learned advocate appearing for the petitioner submits that, all other co-accuseds were enlarged on bail by the Jurisdictional Court. The police filed charge-sheet and, therefore, custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the neighbour recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.).

Apart from others, the first and the second petitioners are named as persons, who tortured the victim, in the 161 Cr.P.C. statement of the neighbour.

In view of the incriminating materials in the case diary, we are unable to grant anticipatory bail to the petitioner no. 2.

Accordingly, prayer for anticipatory bail of the petitioner no. 2 is rejected and the application being CRM (A) 3925 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)