

07.01.2022

Court No.32
rpan / 12

CRM 7978 of 2021

[through Video Conferencing]

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

And

In Re.: **Asman Mallik**

- Petitioner

Mr. Prasenjit Debnath

... for the Petitioner.

Mr. Binay Panda,

Ms. Pushpita Saha

... for the State

Apprehending arrest in connection with Mogra Police Station Case No.34 of 2021 dated 05.02.2021 under Sections 302/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Debnath, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He has no nexus with the alleged offence. The allegations are omnibus in nature and upon completion of investigation charge sheet has already been submitted. In view thereof, custodial interrogation is not necessary.

Ms. Saha, learned advocate appearing for the State opposes the petitioner's prayer and submits that there are seven accused persons amongst whom six could be arrested and they subsequently obtained regular bail after suffering a period of detention. The petitioner is absconding all along. He along with the other co-accused persons was last seen with the victim. In the

said conspectus, the petitioner is not entitled to the relief as prayed for.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, there are strong incriminating materials against the petitioner. Upon assessment of the records, we find that the extent of complicity of the petitioner is similar to the other co-accused persons. Considering the seriousness of the offence and other attending circumstances, we are not inclined to exercise our discretion in favour of the petitioner and his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM 7978 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.)