

CRM 8148 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Prashanta Biswas**

..... petitioner

Mr. S. Barman

.....For the petitioner

Mr. Mirza Firoj Ahmed Begg

.....For the State

Apprehending arrest in connection with Chakdaha Police Station Case No. 394 of 2021 dated 23.07.2021 under Sections 306, 34 of the Indian Penal Code, the instant application is filed praying for anticipatory bail by the principal accused.

Mr. Barman, learned lawyer appearing for the petitioner submitted that the petitioner is falsely implicated. Suicidal note written by the victim is unauthenticated and hand writing is not proved. Paucity of incriminating elements against the present petitioner, in fact, shows that the petitioner is falsely implicated for which custodial detention is not necessary. Accordingly, he prays for anticipatory bail.

Per contra, Mr. Begg, learned advocate appearing for the State submitted that the suicidal note has been sent to the hand writing expert. Other incriminating elements strongly implicate the present petitioner. There is a seizure of mobile handset and materials are to be retrieved from that.

Incriminating materials indicate that the present petitioner is directly involved in the offence alleged.

In reply, Mr. Barman submitted that although mobile handset had been seized, nothing has been retrieved from the said mobile handset to implicate the present petitioner. Therefore, there is no justification in custodial detention of the present petitioner.

We have heard the rival submissions and perused the case diary. We are not inclined to make any comment at this stage on the nature of offence. However, mobile handset if seized during the course of investigation, further material may be retrieved. Apart from the suicidal note, there are strong incriminating elements comes out from the statement of witnesses against the present petitioner. Since investigation is still pending, considering the fact that the allegation is very grave and serious and considering the extent of incriminating elements against the present petitioner and that investigation is still pending, we are not inclined to allow the anticipatory bail and the same stands rejected.

The application CRM 8148 of 2021 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.)