

13.01.2022
Item no. 03
Court No.32
Avijit Mitra

C.R.M.8249 of 2021 (Through Video Conference)

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

And

In Re : Md Anisur Rahaman alias Annech Sk

.... petitioner

Mr. Ramashis Mukherjee

....for the petitioner

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee

..... for the State

Mr. Sabir Ahmed

....for the *de facto* complainant

Apprehending arrest in connection with Beldanga Police Station Case No.96 of 2021 dated 05.03.2021 under Sections 302/34 of the Indian Penal Code, the present application has been preferred.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that there was a dispute as regards casting of roof amongst the parties and the petitioner has been falsely implicated. No specific overt act has been attributed to the petitioner and upon completion of investigation chargesheet has been submitted. In the said conspectus, the petitioner's custodial interrogation is not necessary.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. He further submits that chargesheet has been submitted showing him as an absconder

and only two persons could be arrested and five other accused persons are still absconding.

Mr. Ahmed, learned advocate enters appearance on behalf of the *de facto* complainant and opposes the petitioner's prayer.

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. Considering the gravity of the offence, the nature of accusations, the conduct of the petitioner and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour and as such the prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail being C.R.M. No.8249 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)