

14.01.2022

Court No.32
rpan / 08

CRM 8255 of 2021

[through Video Conferencing]

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

And

In Re.: **Moru Mondal @ Asadul Sk.**

- Petitioner

Mr. Kallol Mondal,
Md. Yunush Mondal
... for the Petitioner.
Mr. Swapan Banerjee,
Ms. Purnima Ghosh
... for the State.

Apprehending arrest in connection with Berhampore Police Station Case No.116 dated 03.02.2020 under Sections 302/201/34 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, the petitioner has filed the present application.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in view of a previous enmity. No overt act has been attributed to the petitioner. Upon completion of investigation charge sheet has already been filed and as such, custodial interrogation is not necessary.

Ms. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and the post-mortem report.

Heard the learned advocates and considered the materials in the case diary. *Prima facie*, we find incriminating materials against the petitioner. Considering the seriousness of the offence, its ramifications and the extent of complicity of the petitioner, 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 8255 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.

(Md. Nizamuddin, J.) (Tapabrata Chakraborty, J.)