

18.01.2022

Court No.32
rpan / 32

CRM 8555 of 2021

[through Video Conferencing]

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

And

In Re.: **Babu Sk @ Abdul Alim sk & Another**
- Petitioners

Mr. Anisur Rahaman

... for the Petitioners.

Mr. Swapan Banerjee,

Ms. Purnima Ghosh

... for the State.

Apprehending arrest in connection with Beldanga Police Station Case No.119 of 2018 dated 21.03.2018 under Sections 302/201/34 of the Indian Penal Code, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in the alleged incident. The allegations are omnibus in nature. The principal accused is one Tanajul @ Tejab and no specific overt act has been attributed to the petitioners. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not necessary.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioners' prayer and submits that the petitioners had all along been absconding and there are strong incriminating materials on record against them. In support of such contention, he has drawn our attention to the statement of the wife of the deceased, as recorded under Section 164 of the Code and the

statements of the witnesses, as recorded under Section 161 of the Code.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, there are strong incriminating materials on record. Considering the seriousness of the offence, the petitioners' conduct and the extent of their complicity, we are not inclined to exercise any discretion in their favour. As such, their prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM 8555 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.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)