

CRM 8654 of 2021
(via video conference)

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

In the matter of : **Abdul Mokim @ Makim**

..... petitioner

Mr. Sagar Saha

.....For the petitioner

Mr. Bibaswan Bhattacharya

.....For the State

Apprehending arrest in connection with Harishchandrapur Police Station Case No. 679/2021 dated 12.09.2021 under Sections 342,302,34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged offence. No specific overt act has been attributed to the petitioner. There is no material on record as regards the petitioner's nexus with the alleged offence. In the said conspectus, custodial interrogation is not necessary.

Mr. Bhattacharya, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses, as recorded under Sections 161 and 164 of the Code.

He further submits that investigation is still continuing.

Heard the learned advocates appearing for the respective parties.

Upon a cumulative assessment of the materials in the case diary, *prima facie*, the petitioner's involvement in the alleged offence cannot be totally ruled out. Considering the gravity of the offence and as investigation is in progress, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for anticipatory bail is refused.

The application CRM 8654 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.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)