

25.01.2022

Court No.32
Item No.40
suvayan

CRM 8828 of 2021

[through Video Conferencing]

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

And

In Re.: **Dipak Halder @ Bapi**

- Petitioner

Mr. Sarthak Burman

... for the Petitioner.

Mr. S. S. Imam

Mr. Arabinda Manna

... for the State.

Apprehending arrest in connection with Gajole Police Station Case No.667 of 2021 dated 18.08.2021 under Sections 341/304 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Burman, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated due to previous enmity. The allegations are omnibus in nature and in view thereof custodial interrogation is not necessary.

Mr. Imam, 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 as well as the postmortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are incriminating materials on record against the petitioner. Considering the manner in which the

offence has taken place, the nature of accusations 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, his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM 8828 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.

(Kesang Doma Bhutia, J.) (Tapabrata Chakraborty, J.)