

14 04.01.2022
(AD) Court No.29
(Rejected)

**C.R.M. 8943 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhagwangola** P.S. Case No. **92 of 2021** dated **21/02/2021** under Sections **304/34** of the Indian Penal Code, 1860, later charge sheet filed under Sections **302/34** of the Indian Penal Code, 1860.

And

In the matter of: - Sentu Sk & Ors.

...petitioners.

Mr. Ali Ahsan Alamgir

... for the petitioners.

Mr. Arijit Ganguly
Mr. Avik Ghatak

...for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were not named in the First Information Report. The petitioners were not named in the statements recorded under Section 161 of the Code of Criminal Procedure. The police submitted charge sheet. He refers to the statement recorded under Section 164 of the Code of Criminal Procedure and that the same was recorded long after the incident and therefore, should not be relied upon.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary and to the statement recorded under Section 164 of the Code of Criminal Procedure of the son of the victim. He submits that the petitioners were named as the assailants of the victim. He refers to the post-mortem report.

Considering the gravity of the offence and the considering

the complicity of the petitioners therein as appearing from the statement recorded under Section 164 of the Code of Criminal Procedure, we are unable to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

C.R.M. 8943 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)