

C.R.M. (A) 5037 of 2022

21.11.2022
Sl.1
Court No.29
(AD)
(Rejected)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No.**72 of 2022** dated **20/02/2022** under Sections **302/34** of the Indian Penal Code.

And

In the matter of: **Sakib @ Sk Sakeb**

....petitioner.

Mr. Arup Kumar Bhowmick

... for the petitioner.

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

... for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated November 7, 2022.

The order dated November 7, 2022 proceeded on the basis that the police filed charge sheet where the name of the petitioner was not there and that the petitioner was included in the supplementary charge sheet.

Learned Advocate appearing for the State draws the attention of the Court to the case diary and submits that factually such observation is not correct. He submits that the petitioner is named in the first charge sheet filed.

Learned Advocate appearing for the petitioner submits that the petitioner was not named in the First Information Report.

The first information report relates to murder.

It was against unknown persons.

The name of the petitioner transpired during investigation.

The police filed charge sheet making the petitioner as an accused. Such position does not stand altered in the supplementary charge sheet filed so far as the petitioner is concerned.

The Court is informed that the petitioner proceeded in terms of the order dated November 7, 2022 and that today the date is fixed for the purpose of taking the finger prints of the petitioner.

The Court is informed that the proclamation and attachment issued as against the petitioner was executed on September 9, 2022 and October 11, 2022 respectively.

Since the police case relates to murder and since there is a charge sheet filed as against the petitioner apparently showing the invocation of the petitioner in the incident, we are unable to extend the facilities of anticipatory bail to the petitioner.

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

C.R.M. (A) 5037 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)