

16.11.2022

23
Ct. No. 29
KAUSHIK
REJECTED

C.R.M.(A) 5225 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baduria** Police Station Case No. **670** of **2022** dated **01.10.2022** under Sections 302/34 of the Indian Penal Code, 1860.

And

In Re : Alif Noor Gazi

..... petitioner

Mr. Kallol Kumar Basu

Ms. Tithi Majumder

....for the petitioner

Mr. Saibal Bapuli

Mr. Arijit Ganguly

Mr. Arani Bhattacharya

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, a proceeding under Section 156(3) of the Code of Criminal Procedure (Cr.P.C.) was initiated four months after the date of death of the victim. According to him, the victim committed suicide. The petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case dairy including the 164 and 161 Cr.P.C. statements. He submits that, there are eye witnesses claiming that the petitioner was last seen with the victim. In fact, the petitioner was seen to enter into a room with the victim from where dead body of the victim was recovered.

The post mortem report of the victim suggests that the victim died due to poisoning.

In view of the materials available in the case diary, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 5225 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)