

31.01.2023
Serial no. 12
[Dd]
(Anticipatory bail)
(**Rejected**)

CRM (A) 365 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **423** of **2020** dated **03.06.2020** under Sections **302/34** of the Indian Penal Code corresponding to G.R. Case No. 2305 of 2020.

-And-

In the matter of : **Shitu Sekh @ Situ Sk**
... ..**Petitioner**

Md. Sabir Ahmed,
Mr. Hillol Saha Podder, Advocates
... .. For the Petitioner

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee, Advocates
... ..For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the earlier order of rejection of one co-accused. He submits that the petitioner is in the same footing as that of the co-accused whose prayer for anticipatory bail was not granted. He refers to the statement recorded under Section 161 of the Code of Criminal Procedure of a witness in this regard.

Prayer of one co-accused seeking anticipatory bail was rejected on February 16, 2022 passed in CRM 5045 of 2021 on the ground that there were materials implicating such co-accused.

The petitioner and the co-accused whose prayer for anticipatory bail was rejected are named in the same

statement recorded under Section 161 of the Criminal Procedure Code on the basis of which, the prayer for anticipatory bail of other co-accused was rejected.

The same role as that of the other-accused was attributed to the petitioner.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 365 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)