

06.02.2023

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 489 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **921** of **2022** dated **16.10.2022** under Sections 302/34 of the Indian Penal Code.

And

In Re : Dipak Mondal @ Tapan Mandal & Ors.

..... petitioners

Mr. Atis Kumar Biswas

Mr. Amit Singh

Ms. Jyoti Agarwal

....for the petitioners

Mr. Madhusudan Sur

Mr. Arabinda Manna

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the statements of the eye witnesses recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.). He submits that, prayer of another co-accused was turned down by an order dated February 2, 2023 passed in CRM (A) 442 of 2023.

There are materials in the case diary implicating the petitioners.

It is stated by eye witnesses that the petitioners along with others were last seen with the victim. The victim was found dead. The post mortem report suggests murder.

In such circumstances, considering the gravity of the offence and the involvement of the petitioners therein as

appearing from the materials in the case diary, we are unable to grant anticipatory bail to the petitioners.

Accordingly, prayer for anticipatory bail of the petitioners is rejected and the application being CRM (A) 489 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)