

01.05.2023

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 1834 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mollarpur** Police Station Case No. **132** of **2022** dated **13.06.2022** under Sections 302/506/34 of the Indian Penal Code with added Section 3 of the Scheduled Caste Scheduled Tribe (Prevention of Atrocities) Act, 1989.

And

In Re : Bapan Ghosh

..... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. Saibal Bapuli

Ms. Sayanti Santra

....for the State

Leave granted to the learned advocate on record appearing for the petitioner to correct the cause title.

Learned advocate appearing for the State submits that, provisions of the Scheduled Caste Scheduled Tribe (Prevention of Atrocities) Act, 1989 were added.

There is an incident of murder in which, the petitioner stands implicated. Moreover, we are to contend with the provisions of Section 18 of the Act of 1989. Prima facie case under the Act of 1989 stands made out. Such finding makes the present application not maintainable. Moreover, complicity of the petitioner appears from the materials in the case diary in the murder.

In such circumstances, 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) 1834 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)