

08.08.2023

Sl. 16
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 2817 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Baishnabnagar** Police Station Case No. **279 of 2022** dated **01.04.2022** under Sections **341/364/323/302/201/34** of the IPC.

And

In the matter of: **Md. Golam Kibriya @ Golam Kibria**

....petitioner.

Md. Wasim Akram

...for the petitioner.

Mr. Saibal Bapuli, APP

Ms. Sayanti Santra

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered materials placed by them including the statement of the witnesses recorded under Section 161 Cr.P.C.
3. The present petitioner is stated to be local goon and the murder is after effect of business relating to contraband like ganja, opium, etc. Though the case is stated to be based on circumstantial evidence there are materials as of now to find a *prima facie* case in respect of the present petitioner.
4. We do not want to embark upon detailed documentation of the materials on record at this stage. There are four antecedent against the present petitioner which are as follows:

- i) Kaliachak P.S. case No. 668/15 dated 23.11.15
U/S 302/34 IPC R/W Sec. 25/27 Arms Act.
- ii) Kaliachak P.S. case No. 469/16 dated 27.07.16
U/S 302/34 IPC R/W Sec. 25/27 Arms Act.
- iii) Kaliachak P.S. case No. 869/18 dated 02.12.18
U/S 15(C) NDPS Act.
- iv) Kaliachak P.S. case No. 134/20 dated 14.02.20
U/S 489B/489C IPC R/W Sec. 25(1)(A)/27 Arms

Act.

5. Regard being had to the seriousness of the allegation, gravity of offence and involvement of the petitioner in previous criminal cases, we do not feel it expedient to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 2817 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

