

12.10.2023
M/L 52
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4143 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Domkal P. S. Case No.1482 of 2016 dated 24.12.2016 under Sections 363/365/302/201/34 of the Indian Penal Code(G.R. Case No.6085 of 2016).

In the matter of : Rakibul Sk.

... Petitioner

Md. Golam Nure Imrohi

... for the petitioner

Mr. Abhra Mukherjee,
Mr. Dipankar Mahata

... for the State

1. Liberty is given to the learned advocate for the petitioner to correct the cause title in court today.
2. Heard learned advocates for the parties.
3. Though after investigation FRT was filed in connection with the aforementioned case but on account of filing of protest petition ('na raji petition') by the informant, further investigation was directed and upon completion of the same, charge-sheet has been submitted against the present petitioner under Sections 302/201/24 IPC and under Sections 363/365/302/201/34 against the other co-accused persons.
4. On perusal of the entire materials as placed before us, it appears that corpus delicty has not been recovered. We also notice that the basis of the implication of the present

petitioner is only the statements of the co-accused persons. *Prima facie*, it appears that there are lack of circumstances to connect the present petitioner with the alleged crime with which he has charged.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned CJM, Berhampore, Murshidabad, in the G.R. Case No.6085 of 2016 arising out of the aforesaid P.S. case within 15 days from today. On his surrender and application for bail, he shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being CRM(A) 4143 of 2023 is disposed of.
8. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)