

02.02.2024
DL-32
Court No.29
(AD)
(Rejected)

C.R.M. (A) 306 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nowda** Police Station Case No.**211 of 2023** dated **08.07.2023** under Sections **302/286/34** of the Indian Penal Code, 1860 read with Sections **3 and 4** of Explosive Substances Act, 1908. (G.R. Case No.2978 of 2023).

And

In the matter of: **Sakil Molla @ Aien Mottakin Molla & Ors.**

....petitioners.

Mr. Soumyajit Das Mahapatra
Mr. Ali Ahsan Alamgir
Ms. Rabia Khatoon
Ms. Soma Mal
Ms. June Modak

... for the petitioners.

Mr. Sudip Ghosh
Ms. Sujata Das

...for the State.

Petitioners before us pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that police filed charge sheet and, therefore, custodial interrogation of the petitioners are not required. Moreover, eye-witnesses named many persons as involved. In the charge sheet submitted, two of the persons named as involved by eye-witnesses were let off.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, so far as two of the persons named by eye-witnesses that were discharged from charge sheet are concerned, they were not included in the charge sheet in view of the *alibi* set up by them on investigation was found to be acceptable.

Eye-witnesses to the incident of murder named the petitioners before us as participants therein. Police submitted charge sheet against the petitioners.

The issue as to whether persons who ought to be included

in the charge sheet and not included, may be decided by the jurisdictional Court, if raised.

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

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

C.R.M. (A) 306 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)