

05.03.2024
Item No.16
Ct. No. 29
CHC
Rejected

C.R.M.(A) 763 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **632/2023** dated **21.10.2023** under Sections **302/34/120B** of the Indian Penal Code and Sections **25/27** Arms Act.

And

In the matter of : Ansar Ali

..... petitioner

Ms. Minoti Gomes,
Md. Hafiz Ali

....for the petitioner

Mr. Neguive Ahamed, Ld. A.P.P.
Mr. Shashanka Shekhar Saha

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, petitioner was falsely implicated.

She claims that, the victim was married twice. One of the wife recorded a statement under Section 164 of the Criminal Procedure Code not implicating the petitioner and in fact stating the names of actual assailants. She also refers to a statement recorded under Section 164 of the Criminal Procedure Code of one of the eyewitnesses. She submits that police filed charge-sheet and therefore, placing the petitioner in custody is not required.

Learned advocate appearing for the State submits that, one person was murdered. Eyewitnesses recording statement under Section 164 of the Criminal Procedure Code places the petitioner both at the place and time of occurrence. Co-accused who attempted to flee from country and apprehended at the Mumbai Airport also recorded statement implicating the petitioner in the murder.

A person was murdered.

Materials in the Case Diary suggest that, the petitioner was at the place and time of occurrence of the murder. Both the eyewitnesses and co-accused ascribe specific role to the petitioner in the murder.

Considering the gravity of the offence and the involvement of the petitioner as transpiring from the materials in the Case Diary, we are unable to grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 763 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)