

24.01.2024
ML-390
Court No.29
(AD)
(Rejected)

C.R.M. (A) 5098 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Farakka** Police Station Case No.**62 of 2023** dated **31.01.2023** under Sections **302/34** of the Indian Penal Code, 1860 and **25/27** of Arms Act and **3/4** of ES Act (G.R. Case No.3292 of 2023).

And

In the matter of: **Atabul Sk**

....petitioner.

Mr. Tanmay Basu
Mr. Arun Shaw

... for the petitioner.

Mr. Nguive Ahmed
Ms. Ratna Ghosh

...for the State.

Mr. Tapodip Gupta

... for the de facto complainant.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated.

State and the de facto complainant are represented.

Learned Advocate appearing for the State draws the attention of the Court to the statements of eye-witnesses recorded under Section 164 of the Code of Criminal Procedure.

Statement of such eye-witnesses places the petitioner before us at the place and time of occurrence.

Eye-witnesses implicate the petitioner in the murder.

Considering the gravity of the offence and the complicity of the petitioner therein, we are unable to grant anticipatory bail to the petitioner.

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

C.R.M. (A) 5098 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)