

07.01.2025

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Rejected

C.R.M. (A) No. 35 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Bhagwangola Police Station Case No. 423 of 2024 dated 18.08.2024 under Sections 126(2)/115(2)/117(2)/109/303(2)/103(1)/61/3(5) of the BNS.

And

In Re : Mursalim @ Mursalim Sk. & Anr. petitioners

Mr. Navanil De
Ms. Monami Mukherjee

.....for the petitioners

Ms. Zareen N. Khan
Ms. Nandini Chatterjee

..... for the State

Mr. Kiran Sk.
Ms. Amrita Ghosh

..... for de facto complainant

1. Learned Counsel for the petitioners submits they were named in the FIR. One of the accused named in the FIR has been discharged. They pray for anticipatory bail.

2. Learned Counsel for the State opposes prayer for anticipatory bail. He submits allegations in the FIR in respect of the discharged accused were verified against CCTV footage which shows the said accused was at a different place. Statements of eye-witnesses before Magistrate establish the presence and role of the petitioners in the murder.

3. We have considered the materials on record. Petitioners and co-accused jointly assaulted the victim resulting

in his death. Statements of witnesses before Magistrate implicate them in the murder. Discharge of FIR named accused was on the basis of materials collected during investigation which do not relate to the petitioners. In light of the aforesaid facts and gravity of offence we are not inclined to grant anticipatory bail to the petitioners.

4. Accordingly, prayer for anticipatory bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)