

04.03.2025
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as
[REJECTED]

C. R. M. (A) 764 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Arambagh Police Station Case No.594 of 2024 dated 16.10.2024 under Sections 103(1)/61 of BNS, 2023 and charge sheet submitted under Sections 103(1)/61(2) of BNS, 2023.

In Re: **Sk. Murtuza @ Sk. Murtuja @ Sk. Mortuja.**
... .. Petitioner

Mr. Navanil De
Ms. Monami Mukherjee
... .. for the petitioner
Mr. Soumik Ganguly
Ms. Sima Biswas
... .. for the State

1. Petitioner contends victim had committed suicide. He was not present at the place of occurrence. He has been falsely implicated. Co-accused have been discharged from the case. Hence, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Petitioner had illicit relation with deceased's wife. Materials have come on record to show petitioner and deceased's wife threatened the deceased prior to the incident. CDRs collected during investigation show telephonic conversations between petitioner and deceased's wife. Post mortem report notes lacerated injury on the head in addition to ligature around the neck causing asphyxial death.
4. In light of the aforesaid circumstances, we are of the opinion there are *prima facie* materials to show petitioner had motive to commit

the crime and was in active conversation with co-accused i.e. deceased's wife prior to the murder. His role in the crime is on a much higher pedestal than the other co-accused who have been discharged.

5. Under such circumstances, we are not inclined to grant anticipatory bail to the petitioner.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)