

31.05.2021

Court No.28

rpan /15

C.R.M. 1241 of 2021

(Via Video Conference)

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

And

In Re : **Biswanath Bera**

- Petitioner.

Mr. Anirban Mitra,

Ms. Saberi Saha

... for the petitioner.

Mr. Madhu Sudan Sur,

Mr. Manoranjan Mahata

... for the State.

Apprehending arrest in connection with Egra P.S. Case
No.437 of 2020 dated 28.08.2020 under Sections 302/201/34 of
the Indian Penal Code, the petitioner has filed the present
application.

Mr. Mitra, learned advocate appearing for the petitioner
submits that the petitioner has been falsely implicated. No overt
act has been attributed to the petitioner. The other co-accused
persons have already been granted bail by co-ordinate Benches of
this Court. Upon completion of investigation charge-sheet has
also been filed and as such, custodial interrogation/detention of
the petitioner is not warranted in the facts and circumstances of
the case.

Mr. Sur, learned advocate appearing for the State opposes
the petitioner's prayer and submits that the petitioner had been

absconding and other accused persons were arrested and subsequently they obtained bail from this Court.

We have heard the learned advocates and considered the materials in the case diary. *Prima facie*, it appears that the petitioner is similarly situated with one, Raju Dolai, who was arrested and was in custody for about 120 days before he obtained bail from this Court. It also appears that the petitioner had been absconding for a substantial period of time.

In view thereof, we are not inclined to exercise discretion in favour of the petitioner and as such, his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM 1241 of 2021, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)