

04.09.2020
SI. No.22
akd
[Rejected]

C. R. M. 5186 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 27.07.2020 in connection with Panrui Police Station Case No. 155 of 2014 dated 28.10.2014 under Sections 147/148/149/188/427/379/436/302/506 of the Indian Penal Code read with Sections 25/27 of the Arms Act and Section 9(b)(ii) of the Indian Explosives Act. (G.R. Case No.996 of 2014)

And

In Re: **Sk. Karibul @ Mintu & Ors.**

... .. Petitioners

Mr. Sekhar Kumar Basu .. Sr. Advocate

Mr. Sachit Talukdar .. Advocate

... .. for the petitioners

Mr. Saibal Bapuli .. Ld. Addl. Public Prosecutor

Mrs. Sayanti Santra .. Advocate

... .. for the State

It is submitted on behalf of the petitioners that no overt act has been attributed to them and they have been falsely implicated in the instant case. It is further submitted that co-accused namely, Sk. Hannan has been granted pre-arrest bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits that petitioners are named in the FIR and had absconded for about six years. He further submits that there are materials connecting the petitioners with the alleged crime.

We have considered the materials on record. We find that the petitioners do not stand on the same footing with the co-accused namely, Sk. Hannan who was not named in the FIR and his name transpired in the charge-sheet filed in 2019. Petitioners had absconded for about six years and the incident involves rioting and murder of an individual. In view of the conduct of the petitioners and bearing in mind the gravity of the offence and as they do not stand on the same footing with the co-accused namely, Sk. Hannan who was granted pre-arrest bail, we are not inclined in granting anticipatory bail to them.

Accordingly, the prayer for anticipatory bail of the petitioners stands rejected.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)