

CRM 5935 of 2020
with
CRAN No. 1 of 2020 (old CRAN 4373 of 2020)
(via video conferencing)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bardhaman P.S. Case No. 594 of 2014 dated 26.04.2014 under Sections 147/148/149/325/326/307 of the Indian Penal Code and added Section 302 of the Indian Penal Code.

In the matter of : Anita Biswas & Ors.

...Petitioners

Mr. Habibur Rahaman

...for the Petitioners

Md. Anwar Hossain

Mr. Mirza Firoz Ahmed Begg

...for the State

Petitioners undertake to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, application being CRAN 1 of 2020 (CRAN 4373 of 2020) is disposed of.

Petitioners submit that they have been named in a subsequent charge-sheet filed in 2018. They have been falsely implicated out of political rivalry. One of the petitioners is a handicapped person.

Learned lawyer for the State draws our attention to statements of witnesses including statement of one Tarun Dhara recorded before the magistrate on 05.06.2014 implicating the petitioner as a member of the mob which had assaulted the victim resulting in his death.

We have considered the materials on record. We have examined the statements of witnesses including those recorded under Section 164 of the Code of Criminal Procedure as early as in 2014 implicating

the petitioners. Strangely enough, their names had been left out in the first charge-sheet, but subsequently incorporated in the latter one.

In view of the aforesaid facts, we are of the opinion that the complicity of the petitioners appears to have transpired at the earliest. As such, plea of false implication has to be assessed in that backdrop. Keeping in mind the aforesaid facts and circumstances of the case and the gravity of offence, we are not inclined to grant anticipatory bail to the petitioners.

The application for anticipatory bail is, thus, rejected.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)