

24.09.2020.
Item No. 15
(Rejected)

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C.R.M. 6360 of 2020
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I.A. No. C.R.A.N. 1 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Onda P.S. Case No. 91 of 2020 dated 5.6.2020 under Sections 302/34 of the Indian Penal Code;

And

In the matter of : **Basudev Mondal and others.**

... petitioners.

Mr. Soumik Ganguli.

.....For the petitioners.

Mr. Prasun Kr. Dutta, Ld. APP,

Mr. Nirupam Dhali.

...For the State.

The Advocate-on-Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking and urgency the application is taken up for hearing.

Accordingly, the interlocutory application being IA No. CRAN 1 of 2020 is disposed of.

The learned Advocate for the petitioners submits that they have no complicity to the alleged offence and have been unnecessarily entangled because of the previous grudge. It is further submitted that two persons have already been arrested and are in custody.

The learned advocate for the State opposes the prayer for anticipatory bail. It is submitted that the petitioners' role to the alleged offence has been crystallized by the statement made under Section 164 of the Code of Criminal Procedure by the eyewitness. Furthermore, the submission of the learned Advocate appearing for the petitioners is that there is no injury recorded in the Post Mortem Report, which would

indicate that the alleged story of having quarrel and scuffle is begotten one.

After hearing the respective Counsels and the statements made under Section 164 of the Code of Criminal Procedure by the eyewitness and the investigation being at the nascent stage, we do not find that the petitioners have been able to make out a case for anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioners is **rejected**.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)