

06.10.2020

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sl no. 31

C.R.M. 7552 of 2020
CRAN 1 of 2020
(via video conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Jalangi P.S case no. 47 of 2020 dated 30.1.2020 under sections 302/326/307/34 of the IPC and under sections 27/35 of the Arms Act

And

In Re : Rinku Sk.

..... petitioner

Mr. Sekhar Kr. Basu, Sr. Adv

Mr. S Datta

..... for the petitioner

Mr. S Bapuli

Ms. S Santra

..... for the State

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Accordingly, the application being 1 of 2020 is disposed of.

It is submitted on behalf of the petitioner that two incidents occurred in the village one after another. Co-accused Mantu Mondal was severely assaulted in the prior incident and he has been granted pre-arrest bail.

Learned lawyer for the State opposes prayer for anticipatory bail and submits that the petitioner had shot at the victim and does not stand on the same footing with co-accused Mantu Mondal.

We have considered materials on record including the statement of witnesses implicating the petitioner in the alleged crime. Co-accused Mantu Mondal had been assaulted in the previous incident and was hospitalized. There is no serious doubt with regard to participation of the petitioner in the subsequent

incident which is the subject matter of the instant case. Accordingly, we are unable to persuade ourselves that the petitioner stands on the same footing with co-accused Mantu Mondal.

In view of the aforesaid fact and the gravity of the offence and the prima facie involvement of the petitioner herein, we are of the opinion that this is not a fit case to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail is rejected.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)