

15.10.2020

CRM 7774 of 2020

Court No. 12
Item No. 15
ss

(anti-bail rejected)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 30.09.2020 in connection with Shyampur Police Station Case No. 125 of 2020 dated 01.05.2020 under Sections 341/325/326/506/34 of the Indian Penal Code and subsequently added Section 302 of the Indian Penal Code

and

In the matter of: **Bahar Ali Mallick & anr.**

..... Petitioners

Mrs. Juin Dutta Chakraborty, Advocate

.....for the Petitioners

Mr. Ranabir Roy Chowdhury, Advocate

Mr. Mainak Gupta, Advocate

..... for the State

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

The learned Advocate appearing for the petitioners submits that the petitioners have been implicated in connection with the aforesaid case while in fact there was no active involvement therein. It is further submitted that this is the countercase launched against the petitioners on the rivalry having been shown over the dumping of the garbage. It is further submitted that one of the co-accused has already been granted anticipatory bail by this Court.

The learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the names of the petitioners have been revealed by the eye-witness as well as the other injured persons in a statement recorded under Section 164 of the Code of Criminal Procedure. It is further submitted that the petitioners do not stand on the same footing with the other co-accused who were enlarged on anticipatory bail.

After considering the submissions and perusing the available materials on record including the statements of the injured and the eye-witness recorded under Section 164 of the Code of Criminal Procedure, we do not find that the petitioners stand on the same footing with the other co-accused, namely, the wife and the mother of the petitioner nos.1 and 2 respectively.

Accordingly, the prayer for anticipatory bail is rejected.

The application being CRM 7774 of 2020 is, thus, dismissed.

(Shampa Sarka, J.)

(Harish Tandon, J.)