

15.10.2020

CRM 7807 of 2020

Court No. 12
Item No. 32
ss

(anti-bail rejected)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 369 of 2020 dated 19.04.2020 under Sections 341/325/326/307/506/332/333/353/34 of the Indian Penal Code read with Sections 25/27 Arms Act and Sections 3/4 Explosive Substances Act.

and

In the matter of: **Sahabuddin Sk. & ors.**

..... Petitioners

Mr. Golam Nure Imrohi, Advocate

.....for the Petitioners

Mr. Madhusudan Sur, Ld. A.P.P.

Mr. Dipankar Paramanick, 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 for the petitioners submits that the petitioners have been implicated in connection with the suo motu case registered by the police alleging that the police personnel were physically assaulted while discharging their official duties. It is submitted that out of 43 persons, 7 persons have joined together and filed the instant application for anticipatory bail.

The learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the names of the petitioners would be revealed from the statement of the eye-witness recorded under Section 161 of the Code of Criminal Procedure. The learned Advocate for the State also relies upon the injury report to corroborate the case that there was a grievous injury sustained by police personnel.

After hearing the respective Counsel and on perusing the

statement of the eye-witness recorded under Section 161 of the Code of Criminal Procedure including the injury report, we do not feel that it is a fit case where the petitioners should get the privilege against the arrest. Even if two of the petitioners are above 60 years of age, yet we do not feel that they are entitled to immunity because of their complicity to the alleged offence allegedly revealed from the statement of the eye-witness.

Accordingly, the prayer for anticipatory bail is rejected.

The application being CRM 7807 of 2020 is, thus, dismissed.

(Shampa Sarka, J.)

(Harish Tandon, J.)