

02.12.2020
Sl. No.60
akd
[Rejected]

C. R. M. 9597 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 19.11.2020 in connection with Samserganj Police Station Case No. 251 of 2020 dated 05.11.2020 under Sections 448/325/307/302/120B/34 of the Indian Penal Code and Sections 3/4 of the E.S. Act and Section 25 of the Arms Act. (G.R. Case No.2087 of 2020)

And

In Re: **Sk. Sish Mohammad & Anr.**

... .. Petitioners

Mr. Sekhar Kumar Basu .. Sr. Advocate

Mr. Arif Ali .. Advocate

... .. for the petitioners

Mr. Tapodip Gupta .. Advocate

... .. for the de-facto complainant

Mr. Sudip Ghosh .. Advocate

Mr. Bitasok Banerjee .. Advocate

... .. for the State

Learned senior advocate appearing for the petitioners submits that the petitioners did not share common object with the principal assailants. It is contended that co-accuseds had fired at the deceased.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioners played active role and had assaulted other injured witnesses.

Learned advocate appearing for the de-facto complainant also support such submission.

We have considered the materials on record. We note that the names of the petitioners appear from the statements of injured witnesses particularly Emdadur Ansari who specifically stated that the petitioners were armed and had participated in the incident. In view of the aforesaid fact and the gravity of the offence, we are of the opinion that this is not a fit case to grant anticipatory bail to them.

Accordingly, the prayer for anticipatory bail of the petitioners stands rejected.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)