

02.02.2021

Item No.6

Ct.No.28

subha

rejected

C.R.M. 49 of 2021
(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In the matter of : Md. Liton @ Liton Sk. ... Petitioner.

Mr. Sekhar Basu
Mr. Rajdeep Majumder
Ms. Arushi Rathore

... For the Petitioner.

Mr. Saibal Bapuli, APP
Mr. Soumik Ganguli

... For the State.

Mr. Niladri Sekhar Ghosh
Mr. Tapodip Gupta

.....for the de facto complainant.

Apprehending arrest in connection with Samsheganj Police Station Case No. 251 of 2020 dated 05-11-2020 under Sections 448/325/307/302/120B/34 of the Indian Penal Code read with Section 25 of the Arms Act, 1959 and Sections 3/4 of the Explosives Substances Act, 1908(G.R. Case No. 2087 of 2020), the present application has been filed.

Mr. Basu, learned senior advocate appearing for the petitioner submits that the petitioner has been falsely implicated and no specific role has been attributed to him.

As a result of political vendetta, the complaint was lodged and there is no material on record which connects the petitioner to the alleged crime.

Mr. Bapuli, Learned advocate appearing for the State opposes the petitioner's prayer and draws the attention of this Court to the statements of four witnesses recorded under Section 164 of the Code of Criminal Procedure.

Mr. Ghosh, learned advocate appearing for the *de facto* complainant submits that the allegations against the petitioner are not in the abstract and *prima facie* there are materials in the case diary disclosing the involvement of the petitioner in the alleged offence.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence and the statements of four witnesses recorded under Section 164 of the Code of Criminal Procedure, we are not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail is rejected.

The application being CRM 49 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)