

26.02.21 In re: An application for anticipatory bail under Section 438 of the Code of
(S.R.) Criminal Procedure filed in connection with **Narkeldanga** Police Station
Sl.16 Case **No.122 of 2017** dated **08.05.2017** under Sections **307/34** of the
Ct.28 Indian Penal Code;

And

In re: Md. Sahanawaz Alam @ Vicky @ Bicky ... petitioner.

Ms. Puja Goswami ... for the petitioner.

Mr. Rudradipta Nandy ...for the State.

Mr. Goswami, learned advocate appearing for the petitioner submits that the petitioner is innocent of the charges and although trial has commenced but the evidence till date before the learned Court below nowhere narrates regarding the injuries to attract provisions of Section 307 of the Indian Penal Code. Learned advocate further submits that four of the accused persons are being granted bail in the instant case and the petitioner, who has been unnecessarily implicated in the instant case, would suffer if he is taken in custody in the case.

Mr. Nandy, learned advocate appearing for the State submits that the case was initiated in the year 2017. Subsequently, charge sheet has been filed and the case, after being segregated in respect of the accused persons, who have absconded, was committed and thereafter trial has commenced. He further submits that there are materials available in the case diary so far as the present petitioner is concerned.

We have taken into account the materials on record as also the stage of the case and the period during which the petitioner has been evading the process of law. We are of the opinion that this is not a fit case for extending the benefit of anticipatory bail to the present petitioner.

Accordingly, the application for anticipatory bail being CRM No.458 of 2021, is rejected.

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.)