

CRM No.526 of 2021

05.03.21 In re: An application for anticipatory bail under Section 438 of the
(S.R.) Code of Criminal Procedure filed in connection with **Hanskhali** Police
Sl.16 Station G.D.E. **No.768** dated **27.10.2020** under Sections
Ct.28 **341/326/307/34** of the Indian Penal Code;

And

In re: Debesh Sarkar

... petitioner.

Mr. Mukunda lal Sarkar

Mr. Debasish Nandi

... for the petitioner.

Mr. Bidyut Kr. Roy

Miss. Rita Datta

...for the State.

Mr. Nandi, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He was not present at the place of occurrence. There is no material to disclose the direct involvement of the petitioner in the alleged offence. In view thereof, the custodial interrogation of the petitioner is not necessary.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the injured recorded under Section 161 of the Code. He further submits that Debesh Sarkar, as named in the FIR and Debasish Sarkar, whose name appears in the 161 statement, is the same and identical person. The Sub-Inspector of police has filed a report to that effect. Let the same be kept on record.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence and the injury report, we are not inclined to exercise any discretion in favour of the petitioner. As such, the petitioner's prayer for anticipatory bail is refused.

Accordingly, the application being CRM No.526 of 2021 is dismissed.

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.)