

**07.04.2021**

Item No.57

Ct.No.28

Subha

**rejected**

**C.R.M. 657 of 2021**

**(Via Video Conference)**

**In Re:** An application for anticipatory bail under Section 438 Cr.P.C in connection with Salar P. S. Case No. 103 of 2020 dated 29-05-2020 punishable under Sections 307/34 of the Indian Penal Code. Read with Sections 25/27 of the Arms Act and Sections 3/4 of the Explosive Substances Act (G. R. Case 711 of 2020).

In the matter of : **Seikh Nasir Hossain @ Prins Khandekar**  
... Petitioner.

Mr. Rohan Ojha  
Mr. Souvik Das

... For the Petitioner.

Mr. Swapan Banerjee  
Ms. Purnima Ghosh

... For the State.

The present application under Section 438 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Salar Police Station Case No. 103 of 2020 dated 29-05-2020 under Sections 307/34 of the

Indian Penal Code read with Sections 25/27 of the Arms Act and Section 34 of the Explosive Substances Act.

Leave is granted to the Advocate-on-record of the petitioner to correct the description of the petitioner from the preamble of the instant application here and now.

Learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in connection with the aforesaid case and, therefore, should be extended the privilege of pre-arrest.

It is, therefore, submitted that because of the political rivalry, the name of the petitioner has been included in the F. I. R.

On the other hand, the learned advocate for the State opposes the prayer for anticipatory bail of the petitioner and submits that there was an intention to kill the complainant and the statement of the eye-witnesses will corroborate the same.

After perusing the materials available from the case diary including the statement of the eye-witnesses recorded under Section 161 of the Code of Criminal Procedure and the gravity of the offence including the complicity of the petitioner thereto, we do not feel that it is a fit case where we

should extend the privilege of anticipatory bail to the petitioner.

Accordingly, the application for anticipatory bail of the present petitioner is rejected.

**(Harish Tandon, J.)**

**(Tirthankar Ghosh, J.)**