

02.06.2021

Sl. No.42

Court No.30

Saswata

CRM 1342 of 2021

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973.

And

In the matter of : Md. Sajahan Sk. @ Sajahan Ali & Ors.

... Petitioners

Mr. Mrityunjoy Chatterjee ... for the petitioners

Mr. N.Ahmed

Md. Anwar Hossain

Mr. Subrata Roy

... for the State

The four petitioners namely, Md. Sajahan Sk. @ Sajahan Ali, Abul Barkat @ Md. Abul Barkat, Rasidul Sk. @ Md. Rasidul Hoque and Samiul Sk. Are apprehending arrest in connection with Kaliachak Police Station Case No. 970 of 2012 dated 29.12.2012 under Sections 326/307/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act pending before the Learned Chief Judicial Magistrate, Malda.

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case out of political rivalry as it is depicted from the FIR as to how the mother of the victim got the names of the accused persons to mention in the written complaint.

On the other hand, the learned counsel for the State invites our attention to the statement of the witnesses at page 8, 9, 10 & 11, injury report at page 63, seizure list in respect of the seizure of the Fire Arms at page 12 and also to the statements of the other

witnesses. It is also pointed out that some other co-accused persons are in custody while some of them are still absconding. The petitioners are still absconding. That apart, the anticipatory bail in respect of some of the accused persons has already been rejected by a co-ordinate Bench of this Hon'ble Court.

Having heard the learned counsel for the parties and having regard to the nature of the offence as alleged from the materials in the case diary, the prayer for anticipatory bail is considered and rejected.

The application for anticipatory bail being CRM 1342 of 2021 is, thus, dismissed.

(Aniruddha Roy, J.)

(Shivakant Prasad , J.)