

43. 08.09.2021  
Ct.32  
Tanmoy  
Rejected

**C.R.M. 1368 of 2021**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **03/02/2021** in connection with **Kaliachak Police Station Case No. 634/2014** dated **25/08/2014** under Sections **341/326/307/427/34** of the Indian Penal Code read with Sections **25/27** of the Arms Act.

And

In the matter of: - **Zia Biswas @ Md. Zeaur Rahaman & Anr.**

....petitioners.

Mr. Arup Kumar Bhowmick

...for the petitioners.

Mr. Swapan Banerjee,  
Mr. Suman De

...for the State.

This is a case under Sections 341/326/307/427/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

Learned Advocate for the petitioner, at the very outset, submits that the anticipatory bail application of petitioner no.1 was rejected by the Hon'ble Court which he has come to learn after filing of the application. He further submits that out of political rivalry this case has been initiated without any iota of evidence to entangle the petitioners in the present case.

Learned Advocate appearing on behalf of the State submits that there are specific allegations of inflicting assault upon the injured against this petitioner which is also supported by the medical documents.

We have heard the learned Advocates for both the sides and perused the material in the Case Diary. Learned Advocate for the State draws our attention to overleaf of page 03 of Case Diary wherein it has been noted that the bail application of petitioner no.1 has been rejected in C.R.M. 1685 of 2016 by this Hon'ble Court. The petitioner fails to make out any change of circumstance with regard to entertainment of his prayer for the second time. Accordingly, the prayer for petitioner no.1 under Section 438 of the Code of Criminal Procedure stands **dismissed**.

As regards petitioner no.2, we find from the statements of witnesses that there are specific allegations of his involvement in the alleged offence and the same is also supported by the injury reports available in the Case Diary. Charge-sheet has been filed on 29.04.2015. Thus, this petitioner is absconding since long for the last seven years.

Considering the above material and the conduct of the petitioner no.2, we are not inclined to allow the prayer of petitioner no.2 for anticipatory bail.

Accordingly, the application for anticipatory bail being C.R.M. 1368 of 2021 is **dismissed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

**(Bivas Pattanayak, J.)**

**(Sabyasachi Bhattacharyya, J.)**