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21-05-2021

Court 28

**C.R.M. 1402 of 2021
(Via Video Conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sabang Police Station Case No. 214 of 2020 dated 02.10.2020 under sections 147/148/149/447/341/342/323/325/326/307/436/427 of the Indian Penal Code read with Sections 3/4 of the E.S. Act.

Nemai Jana & Ors.
Versus
State of West Bengal

Ms. Arushi Rathore, Adv.

...for the petitioners.

Mr. Madhusudan Sur, Adv.

Mr. Dipankar Paramanick, Adv.

...for the State.

The learned Counsel for the petitioners submit that the petitioners have been falsely implicated due to political rivalry and whereas some of the persons named in the FIR and also their names transpire in the statement recorded under Section 161 of the Code of Criminal Procedure and anticipatory bail was granted to such persons and the present petitioners although standing on the same footing were denied anticipatory bail by the learned Sessions Judge.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail. It is submitted that the learned Sessions Judge granted anticipatory bail to only those persons whose names did not transpire in the statement recorded under Section 161 of the Code of Criminal Procedure and the learned Counsel also draws our attention to the case diary containing a statement of independent witness recorded under Section 161 of the Code of Criminal Procedure to show that the names of the present petitioners appear in the statement.

Considering the materials made available on record and the statement of eyewitness recorded under Section 161 of the Code of Criminal Procedure directing implicating the present petitioners in the commission of alleged

offence, we are not inclined to grant anticipatory bail to the present petitioners.

The application for anticipatory bail of the petitioners is, thus, rejected.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Soumen Sen, J.)