

10.06.2021
AJ.,ct 28
Sl no. 12.

C.R.M. 1584 of 2021

(Via Video Conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 08.02.2021 in connection with Gangarampur P.S. Case No. 211 of 2019 dated 08.06.2019 under Sections 143/147/148/149/186/188/332/353/325/326/307 of the Indian Penal Code read with Section 3 of Prevention of Damage to Public Property Act, 1984 read with Section 8B of the National Highway At read with Section 9 of the West Bengal Maintenance of Public Order Act, 1972 (corresponding G.R. Case No. 457 of 2019).

And

In Re : **Ashoke Barddhan @ Ashok Bardhan & Ors.**

..... petitioners.

Mr. Jayanta Narayan Chatterjee,
Ms. Busra Khatun. ... for the petitioners.

Mr. P.K. Dutta,
Mr. Pradipta Kumar Ganguly. ... for the State.

The application under Section 438 of the Code of Criminal Procedure has been filed apprehending arrest in connection with Gangarampur P.S. Case No. 211 of 2019 dated 08.06.2019 under Sections 143/147/148/149/186/188/332/353/325/326/307 of the Indian Penal Code read with Section 3 of Prevention of Damage to Public Property Act, 1984 read with Section 8B of the National Highway At read with Section 9 of the West Bengal Maintenance of Public Order Act, 1972.

It is submitted by the Counsel for the petitioners that charge sheet has already been filed and that there is no apprehension of evidence being tampered by the petitioners.

Counsel for the State submits that the petitioners have not only damaged public property but have also assaulted three police officers and have entered into and damaged the malkhana and alamat at the concerned Police Station. As a consequence of the act of the petitioners, the State has lost evidence, which was already collected against the large number of co-accused.

Having regard to the fact that the other co-accused have been granted bail upon arrest, this Court does not see any reason to

entertain the application under Section 438 of the Code of Criminal Procedure.

Hence, the application for anticipatory bail being C.R.M. 1584 of 2021 is, thus, dismissed.

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

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)