

14.06.2021
Court No.28
Item No. 09
Krishnendu
Rejected

CRM 1775 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In Re : **Sadhan Mandal @ Sadhan Kumar Mandal & Ors.**
Petitioners

Mr. Kalipada Saha

For the Petitioners

Mr. Saswata Gopal Mukherjee

Ms. Faria Hossain

Mr. Aniket Mitra

For the State

Apprehending arrest in connection with Baishnabnagar P.S. Case No. 339 of 2011 dated 28.12.2011 under sections 147/148/149/448/436/427/380 of the Indian Penal Code read with sections 3 and 4 of the Explosive Substance Act and sections 25/26 of the Arms Act, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. No specific allegation has been levelled against the petitioners. Similarly situated co-accused persons have already been granted anticipatory bail. Upon completion of investigation, charge sheet has also been submitted and as such custodial interrogation/ detention of the petitioners is not necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

He further submits that the order of anticipatory bail, upon which reliance has been placed by the petitioner, was passed on 16th May,

2013. The alleged incident occurred on 28th December, 2011 and the petitioners have been absconding for a substantial period of time and warrant of arrest had also been issued against them.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence, the nature of allegations and the conduct of the petitioners, we are not inclined to exercise any discretion in their favour. As such, the prayer for anticipatory bail of the petitioners is refused.

The application for anticipatory bail, being CRM 1775 of 2021 is, accordingly, dismissed.

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

(Kausik Chanda, J.)

(Tapabrata Chakraborty, J.)