

25.05.2021
Item no.22
Court No.28
Avijit Mitra

C.R.M. 1783 of 2021 (through video conference)

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

And

In Re : Joydeb Biswas

.... Petitioner

Mr. Sayan De,
Mr. Kaustav Hossain,
Mr. Sayan Kanjilal

...for the petitioner

Mr. Saswatagopal Mukherjee, Ld. P.P.
Ms. Faria Hossain,
Mr. Aniket Mitra

..... for the State

Apprehending arrest in connection with Santipur Police Station Case No.386 of 2020 dated 01.09.2020 under Sections 341/326/307/34/302/120(B) of the Indian Penal Code read with Sections 25/27 of Arms Act, the present application has been preferred.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act has been attributed to the petitioner and his name also does not feature in the dying declaration. Upon completion of investigation chargesheet has also been filed and in view thereof, custodial interrogation of the petitioner is not necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the dying declaration and the statements of witnesses as recorded under Sections 161 and 164 of the Code.

The petitioner's name consistently features in the statements of the witnesses as recorded under Sections 161 and 164 of the Code. Considering the gravity of the offence and the nature of allegations, we are not inclined to exercise any discretion in favour of the petitioner.

Accordingly, the application for anticipatory bail being CRM No.1783 of 2021, is dismissed.

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

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)