

CRM 2030 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chandipur Police Station Case No.121 of 2020 dated 07-06-2020 under Sections 447/448/323/325/307/506/34 of the Indian Penal Code and added Section 302 of the Indian Penal Code.

- A n d -

In the matter of : Srimanta Jana & Ors.

.... Petitioners.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick

... For the Petitioners.

Mr. Ranabir Roy Choudhury,
Mr. Rudradipta Nandy

... For the State.

The petitioners are five out of several accused persons. The allegation is that the petitioners beat up the victim mercilessly inflicting grave injuries on him. The victim succumbed to such injuries.

The petitioners say that they have no role to play in the alleged murder of the victim. They were migrant workers returning from Gujarat. There was alleged altercation between them and the victim and his son, who is the defacto complainant, in connection with alleged non-observance of COVID protocols by the petitioners. In such altercation, the victim got injured. There was no intention on the part of the petitioners to kill the victim or even cause any serious injury to them.

We have seen the material in the Case Diary including the statements of eyewitnesses. The complainant, who was also injured in the incident, specifically named the present petitioners and described their actions.

The petitioners say that three of the accused persons have been granted bail by this Court. However, we find that such persons were granted bail after being in custody for 185 days.

On an overall assessment of the material on record and the seriousness of the charge as well as the possible extent of complicity of the petitioners in the alleged offence, although charge sheet has been submitted, we are not inclined to allow this application for anticipatory bail.

Accordingly, the application for anticipatory bail being CRM 2030 of 2021 is **dismissed**.

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

(**Bivas Pattanayak, J.**)

(**Arijit Banerjee, J.**)