

26.08.2021

Court No.28
Item No.282
(Dismissed)

Akd
&
As

CRM 2068 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Ratua Police Station Case No. 302 of 2018 dated 01.09.2018 under Sections 448/341/326/307/34 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act (G. R. Case No. 1642 of 2018);

And

In the matter of : **Jahangir @ Jahangir Alam**
...Petitioner

Ms. Sujata Das.

...For the Petitioner

Mr. Madhusudan Sur,
Mr. Monoranjan Mahata.

...For the State.

Apprehending arrest in connection with Ratua Police Station Case No. 302 of 2018 under Sections 448/341/326/307/34 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act, the petitioner has filed the instant application for anticipatory bail.

The instant application for anticipatory bail has been taken out by the petitioner on the premise that the other co-accused have already been enlarged on bail after being apprehended by the police and, therefore, the petitioner should also be extended the benefit of Section 438 of the Criminal Procedure.

The State strongly opposes the prayer for anticipatory bail. It is submitted that the name of the petitioner has been divulged in various statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure.

After hearing the respective Counsels and on perusal of the materials on record as also the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure, we do not find that it is a fit case where the petitioner should get the benefit of Section 438 of the Code of Criminal Procedure.

The prayer for anticipatory bail is thus rejected.

The application for anticipatory bail, being CRM 2068 of 2021 is thus **dismissed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)