

22.09.2021
Item no. 39
Court No.32.
S.De.
(Rejected)

(Via Video Conference)

CRM 2662 of 2021

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 12.03.2021 in connection with Mollarpur Police Station Case No. 72 of 2020 dated 15.07.2020 under Sections 147/148/149/323/325/326/307/302/ and 506 of the Indian Penal Code.

And

In the matter of : Hepdat Sk & Ors.

.....Petitioners.

Mr. Rajendra Banerjee, Advocate,

.....for the Petitioners.

Mr. Saibal Bapuli, Ld. A.P.P.,

Mr. Bibaswan Bhattacharyya, Advocate,

.....for the State.

Learned advocate for the petitioners submits that the petitioner nos. 3, 4 and 5 have already surrendered and are in custody. The application is not pressed on behalf of the said petitioners namely Jasimuddin Sk @ Ujjal Sk @ Jamiruddin Sk, Raju Sk. and Golam Mustafa @ Fakir Sk. This application for anticipatory bail is dismissed so far as the petitioner nos. 3, 4 and 5 are concerned.

As regards the petitioner nos. 1 and 2, learned advocate for the petitioners submits that they are not the prime assailants. Three other accused persons have been granted bail by the learned Trial Court. The petitioners did not have any active role in the alleged incident. They pray for anticipatory bail.

We have seen the statements of witnesses recorded under Sections 164 and 161 of the Code of Criminal Procedure. More than one witness specifically implicates the petitioner nos. 1 and 2. The extent to which the present petitioners are involved shall be decided at the trial.

On an overall assessment of the facts and circumstances of the case, the material on record and the nature and gravity of the alleged offence, we are not inclined to extend the privilege of anticipatory bail to the petitioner nos. 1 and 2 namely Hepdat Sk. and Lalchand Sk.

Accordingly, CRM 2662 of 2021 is dismissed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)