

CRM 2796 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Domkal Police Station Case No.222 of 2020 dated 07-05-2020 under Sections 341/326/307/34 of the Indian Penal Code and subsequently added Section 302 of the Indian Penal Code.

- A n d -

**In the matter of : Abul Hossain Biswas @ Abu Hossain
Biswas
.... Petitioner.**

Mr. Dipankar Mandal

... For the Petitioner.

Mr. Nequive Ahmed, learned APP,
Ms. Trina Mitra

... For the State.

The petitioner is one of several accused persons. Five persons have been chargesheeted. The petitioner is absconding.

The allegation is that the accused persons beat up the victims. Several persons were injured. One person died.

The petitioner says that the incident was a dispute regarding the issue of garbage disposal between two families. There was no intention on the part of the accused to commit murder or cause grievous bodily harm.

We have seen the Post Mortem report of the deceased person and also the injury report of the other victims. We have seen the statements of eyewitnesses. The statements specifically name the present petitioner as one of the assailants.

In view of the *prima facie* incriminating material against the petitioner and the nature and gravity of the offence, although Charge Sheet may have been submitted, we are not inclined to extend the privilege of anticipatory bail to the petitioner.

Accordingly, the application for anticipatory bail being CRM 2796 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.**)