

47. 27.09.2021

Ct.32

Tanmoy

Rejected

C.R.M. 3145 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **06/04/2021** in connection with **Bizpur Police Station Case No. 591 of 2019** dated **08/10/2019** under Sections **302/307/120B/34** of the Indian Penal Code read with Sections **25/27** of the Arms Act, 1959.

And

In the matter of: - **Sudipta Das**

...petitioner.

Mr. Sabyasachi Banerjee,
Ms. Raya Rudra,
Mr. Abhra Jena

...for the petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee

...for the State.

The petitioner is seeking anticipatory bail in connection with offences punishable under Sections 302/307/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

The petitioner renews his prayer for anticipatory bail on the ground of filing of charge-sheet after the previous rejection of his prayer for anticipatory bail in C.R.M. No.11049 of 2019. It is found that after his anticipatory bail prayer was turned down by a co-ordinate Bench in C.R.M. No. 11049 of 2019, in November, 2019, charge-sheet has been submitted, which is a change in circumstance.

Learned Advocate for the petitioner submits that previously his anticipatory bail prayer was rejected by a co-ordinate Bench of this Hon'ble Court basing on the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure (for short, 'Cr.P.C.'). However, as per the statements,

there are no direct implications against this petitioner and the principal assailant is one Pintu Sharma, which is also appearing from the charge-sheet. Accordingly, the anticipatory bail prayer of this petitioner may be allowed.

Learned Advocate appearing on behalf of the State opposes the prayer for anticipatory bail and submits that this petitioner is named in the statements recorded under Section 164 of the Cr.P.C. and his involvement is very much apparant in the alleged offence. Basing on such statement the co-ordinate Bench of this Hon'ble Court has rejected his prayer for anticipatory bail.

Heard learned Advocates of both the sides and perused the material in the Case Diary. It *prima facie* appears from the statements of the eyewitnesses recorded under Section 164 of the Cr.P.C. that there is involvement of this petitioner in the alleged offence. Further, his anticipatory bail prayer was rejected by a co-ordinate Bench of this Hon'ble Court in C.R.M. 11049 of 2019 and since such rejection he has been absconding till date.

Considering the above and keeping in mind the extent of complicity of this petitioner in the alleged offence, we are not inclined to admit this petition for anticipatory bail.

Accordingly, the application for anticipatory bail being C.R.M. 3145 of 2021 is **dismissed**.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)