

29.09.2021
Item no. 39
Court No.32.
S.De
(Rejected)

(Via Video Conference)

CRM No. 3275 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 09.04.2021 in connection with Hanskhali Police Station Case No. 569 of 2020, dated 27.10.2020 under Sections 341/326/307/34 of the Indian Penal Code.

And

In the matter of : Nemai Roy @ Nimai Roy.

.....Petitioner.

Mr. Sayan De, Advocate,
Mr. Kaustuv Shome, Advocate,
Mr. Sayan Kanjilal, Advocate,

.....for the Petitioner.

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Arijit Gangully, Advocate,
Mr. Sanjib Kr. Dan, Advocate,

.....for the State.

The petitioner says that he is not involved in the alleged offence at all. He was present in front of a tea stall owned by the principal accused, namely, Gosai Das Sikhdar. There was a fight between the son of the de facto complainant and Gosai Das Sikhdar. The petitioner tried to stop such fight. That is his only role in the incident.

We have seen the material in the case diary including statements of witnesses recorded under Section 161 of the Code

of Criminal Procedure. The statements specifically name the petitioner as being one of the assailants. The Injury Report reveals deep cut injury. We were also shown copy of an order passed by a co-ordinate Bench of this Court whereby the prayer for anticipatory bail made by three co-accused persons was rejected. The petitioner appears to be similarly circumstanced as the said co-accused persons.

In view of the aforesaid and on an overall consideration and assessment of the facts and circumstances of the case, although charge-sheet may have been submitted, we are not inclined to entertain the petitioner's prayer for anticipatory bail.

Accordingly, CRM 3275 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.)