

4.6.2021
Court No.28
Item No. 56
Sn

CRM 3442 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In Re : **Rajesh Khan**

Petitioners

Mr. Siddhartha Sarkar

For the Petitioners

Mr. S.G. Mukherjee, Id.P.P.

Ms. Faria Hossain

Mr. Aniket Mitra

For the State

Apprehending arrest in connection with Debra P.S. Case No. 70 of 2018 dated 18.02.2018 under sections 447/323/325/307/506 & 34 of the Indian Penal Code, the present application has been preferred.

Mr. Sarkar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an alleged incident, which occurred in the month of February, 2018. There is no incriminating material against the petitioner and upon completion of the investigation, charge sheet has also been filed and as such, no custodial detention is necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and submits that specific allegations have been levelled against the petitioner and one Salim Khan. The petitioner was thereafter absconding but Salim Khan was arrested. He also draws our attention to the contents of the complaint and the injury report.

We have heard learned advocates for the respective parties and considered the materials in the case diary.

Prima facie, there are materials on record, which reveal the involvement of the petitioner in the alleged offence and considering the injury report and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner. As such, the prayer for anticipatory bail of the petitioner is refused.

The application for anticipatory bail, being CRM 3442 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)