

14.12.2021
Sl. No.8
akd
[Rejected]

C. R. M. 3977 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.06.2021 in connection with Kaliachak Police Station Case No.311 of 2021 dated 15.03.2021 under Sections 147/148/149/186/188/326/307/332/333/353/363/379/120B of the Indian Penal Code, Sections 25/27 of the Arms Act and Section 9 of MPO Act. (G.R. Case No.1327 of 2021)

And

In Re: ***Md. Kabatullah Biswas @ Bapi Biswas & Ors.***

... .. Petitioners

Ms. Sreyashee Biswas

Ms. Benazir Hasna

... .. for the petitioners

Mr. Saibal Bapuli .. Ld. Addl. Public Prosecutor

Mr. Soumik Ganguli

... .. for the State

It is submitted on behalf of the petitioners that no overt act is attributed to them. It is further submitted that the petitioners have been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Statements of witnesses disclose that the petitioners were members of an unlawful assembly who obstructed police personnel who had gone to the spot to arrest an absconding accused. Injuries were received by police personnel which is corroborated by medical evidence. In view of the gravity of the offence and the prima facie role of the petitioners in the alleged crime, we are of the opinion that this is not a fit case to grant anticipatory bail to them.

Accordingly, the prayer for anticipatory bail of the petitioners stands rejected.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

