

30.11.2021
Court No.32
Item No. 178
Avijit Mitra

CRM 4407 of 2021

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

And

In Re : Probir Sarkar @ Probir Das @ Prabir & ors.

Petitioners

Mr. Kaushik Chowdhury,
Mr. B. Khatar

For the Petitioners

Mr. Imran Ali,
Ms. Manasi Roy

For the State

Apprehending arrest in connection with Tapan P.S. Case No. 96 of 2020 dated 26.03.2020 under sections 341/325/326/307/506/34 of the Indian Penal Code, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that there was a dispute pertaining to the possession of a mobile phone. The incident occurred on the spur of the moment without intending the consequences thereof. In the said conspectus custodial interrogation is not warranted.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents. He further submits that upon completion of investigation chargesheet has been submitted and the petitioners are absconding.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the injury report, the statement of the witnesses and the extent of

complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioners.

Accordingly, the application being CRM 4407 of 2021 is dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)