

23.12.2021
Item no. 524
Court No.32
Avijit Mitra

C.R.M.5168 of 2021

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

And

In Re : Sekh Rafik & ors.

.... petitioners

Mr. Kunal Ganguly

....for the petitioners

Mr. Swapan Banerjee,

Ms. Purnima Ghosh

..... for the State

Apprehending arrest the present application is filed praying for anticipatory bail in connection with Dubrajpur Police Station Case No.97 of 2009 dated 23.06.2009 under Sections 147/148/149/186/324/353/307/427 of the Indian Penal Code read with Sections 3/4 of the Prevention of Damage to Public Property Act, 1984 and section 9(b)(ii) of Indian Explosive Act, 1884 and sections 25/27 of the Arms Act, 1959.

Mr. Ganguly, learned advocate appearing for the petitioners submits that petitioners have been falsely implicated in the alleged offence on a purported plea that they were part of the mob and in view of the existing political rivalry amongst the parties. The allegations are omnibus in nature and upon completion of investigation chargesheet has also been submitted. In the said conspectus, custodial interrogation is not necessary.

Mr.Banerjee, learned advocate appearing for the State opposes the petitioners' prayer and submits that the petitioners have been absconding since 2009 and there are incriminating materials against the present petitioners.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the conduct of the petitioners, we are not inclined to exercise any discretion in their favour.

Accordingly, the application for anticipatory bail being C.R.M. No.5168 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.)