

CRM 5360 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Ashok Samanta & Ors.**

..... petitioners

Mr. Ritam Chowdhury

.....For the petitioners

Mr. Imran Ali

Ms. Debjani Sahu

.....For the State

Apprehending arrest in connection with Kolaghat Police Station Case No. 211/2021 dated 07.06.2021 under Sections 447/323/325/307/354B/427/506/34 of the Indian Penal Code, the present application has been preferred.

Learned advocate appearing for the petitioners submits that there was a free fight between the members of a family and the petitioners herein have been falsely implicated as a counter-blast of a complaint lodged on behalf of the petitioners pertaining to the same incident. On completion of investigation, charge sheet has also been submitted and as such, further detention of the petitioners is not warranted.

Learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the statement of witness, as recorded under Section 164 of the Code of Criminal Procedure and the injury report.

Having heard learned advocates appearing for the respective parties and the materials in the case diary, the nature of allegations, the injury report and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise discretion in favour of the petitioners and as such, their prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail, being CRM 5360 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.)