

0912.2021
Court No.32
Item No. 159
Krishnendu
Dismissed

**CRM 5460 of 2021
(Via video Conference)**

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

And

In re: **Jayanta Goswami @ Bhattacharya & Ors.**

...Petitioners

Mr. Dhiraj Tribedi

Mr. Tirthapati Acharyya

... For the Petitioners

Mr. Saibal Bapuli, Id.A.P.P.

Mr. Arani Bhattacharyya

...For the State

Apprehending arrest in connection with Khayrasole Police Station Case No. 48 of 2021 dated 08.05.2021 under Sections 143/323/324/326/302 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Tribedi, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated, as there is a political rivalry between the parties. The complaint has been lodged as a counter blast of an earlier complaint lodged on behalf of the petitioners. No overt act has been attributed to the petitioners and the F.I.R. was registered against twenty-seven persons. Upon completion of investigation, charge sheet has also been submitted and as such custodial interrogation of the petitioners is not warranted.

Mr. Bapuli, learned Additional Public Prosecutor appearing for the State, opposes the petitioners' prayer and draws our attention to several documents in the case diary, including the

statements of witnesses, as recorded under sections 161 and 164 of the Code of Criminal Procedure.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that there are incriminating materials against the petitioners in the case diary and their names feature in the statements of the witnesses, as recorded under section 161 of the Code of Criminal Procedure. The post mortem report reveals that the person succumbed to the severe injuries which were inflicted. Considering the gravity of the offence and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in their favour.

The application for anticipatory bail, being CRM No. 5460 of 2021, is, accordingly, 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.)