

16.12.2021

Court No.32
rpan / 569

C.R.M. 5526 of 2021

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

And

In re: **Mintu Sk @ Mandal @ Amanullah Mondal**

- Petitioner

Mr. Biswajit Manna,

Mr. Anisur Rahaman

....for the Petitioner.

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee

... for the State.

Apprehending arrest in connection with Hariharpara Police Station Case No.75 of 2021 dated 17.02.2021 under Sections 341/326/307/302 of the Indian Penal Code, 1860, and Sections 25(I)(a)/27 of the Arms Act, the present application has been preferred.

As the name of the person in the chargesheet was not tallying with that of the petitioner, we directed the learned advocate appearing for the State to avail instructions.

Today, Mr. Banerjee, learned advocate appearing for the State has placed before us a report wherefrom it appears that Mintu Sk @ Mandal, son of late Mannan Mandal and Mintu Sk @ Mandal @ Amanullah Mondal, son of Lalchand Mondal @ Abdul Hannan Mondal is the same and identical person.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act has been attributed to him. Upon completion of investigation charge sheet has also been filed and as such, custodial interrogation is not warranted.

Such prayer has been vehemently opposed by Mr. Banerjee, learned advocate appearing for the State, drawing our attention to several documents in the case diary.

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

Prima facie, there are strong incriminating materials against the petitioner and in the statements of the witnesses overt act has been attributed to the petitioner.

Considering the seriousness of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour and as such, his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM No. 5526 of 2021 is, thus, 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.)