

24.11.2021
Serial no.93

Aloke
Ct. No. 29

(Through Video Conference)

CRM 5575 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 23.08.2021 in connection with Bhagawanpur Police Station Case No. 128 of 2020 dated 02.06.2020 under Sections 302/34 of the Indian Penal Code and charge-sheet submitted under Sections 325/326/307/302/34 of the Indian Penal Code.

-And-

In the matter of : **Sk Anisuddin & Anr.**

... ..Petitioners

Mr. Arnab Sinha, Advocate
Mr. Mukut Biswas, Advocate
Mr. Tirthankar Dhali, Advocate

... .. For the Petitioners

Mr. Swapan Banerjee, Advocate
Ms. Purnima Ghosh, Advocate

... ..For the State

Petitioners renew the prayer for anticipatory bail.

Learned Advocate appearing for the petitioners submits that there are change in circumstances subsequent to the earlier order of rejection. He submits that a Coordinate Bench granted anticipatory bail to some of the co-accused on August 11, 2021 and that the police filed charge-sheet.

Learned Advocate appearing for the State draws the attention of the Court to the statement recorded under Section 164 of the Code of Criminal Procedure and submits that the petitioners herein are subsequently named in such statement.

Considering the materials in the case diary and considering the statement recorded under Section 164 of the Code of Criminal Procedure and considering the nature of the offence and the involvement of the petitioners, we are unable to arrive at a finding that the petitioners stand in the same footing as that of the other co-accused granted anticipatory bail on August 11, 2021 in CRM 2415 of 2021.

Considering the complicity of the petitioners, we are not inclined to grant anticipatory bail to the petitioners.

The prayer for anticipatory bail is, thus, rejected.

CRM 5575 of 2021 is, accordingly, dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)