

16.12.2021
Court No.32
rpan / **573**

C.R.M. 5621 of 2021

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

And

In re: **Rajib Hossain**

- Petitioner

Mr. Arup Sarkar

....for the Petitioner.

Mr. Suman Saha

....for the State.

Apprehending arrest in connection with Harishchandrapur Police Station Case No.300 of 2020 dated 10.05.2020 under Sections 143/ 149/ 295/ 295A/ 298/ 323/ 269/ 153A/ 271/ 307/427/506 of the Indian Penal Code, 1860 read with Section 51B of the Disaster Management Act, the instant application under Section 438 of the Code of Criminal Procedure is filed by the petitioner.

It is the case of the petitioner that chargesheet has been filed and name of the petitioner figures only in the charge sheet. He is not FIR named. Since investigation is complete, he prays for anticipatory bail.

Per contra, learned lawyer for the State, Mr. Suman Saha submitted that there are incriminating elements against the present petitioner, as appear in the case diary and it is an offence relating to public life and public tranquility affecting the secular fabric of the society. According to him, although chargesheet has been filed, anticipatory bail should not be granted, as the allegations are serious and grave and the petitioner is absconding.

We have heard rival submissions. Perused the case diary. Charge sheet has been filed in this case, being Charge-sheet No.204 of 2021 dated 31.03.2021. Name of the petitioner features in the chargesheet and it is also mentioned in the chargesheet that warrant of arrest may be issued to compel appearance of those accused persons named therein, including the present petitioner.

Perusing the case diary, we find that the offence is serious enough affecting public life. We have also noticed seizure list and the statements of the witnesses. Even though, chargesheet is filed, in our considered opinion, this is not a case where we should exercise discretion. Accordingly, we are not inclined to allow the anticipatory bail and the same stands rejected.

The application for anticipatory bail, being CRM No. 5621 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.)