

10.12.2021

Item no.185

Court No.32

ss

C.R.M. 5977 of 2021

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

And

In Re : Manoj Roy & ors.

.... petitioners

Mr. Rajdeep Mazumder

Mr. Pritam Roy

Mr. Abhijit Singh

....for the petitioner

Mr. Bidyut Kr. Roy

Mr. Rita Datta

..... for the State

Apprehending arrest in connection with Gangarampur Police Station Case No. 23 of 2021 dated 19.01.2021 under Sections 341/326/307/302/34 of the Indian Penal Code read with Section 25(1A), (1B)/27(3) of the Arms Act and Section 3/4 of the Explosive Substance Act, the present application has been preferred.

Mr. Mazumder, learned advocate appearing for the petitioners submits that there was a political rivalry between the parties and the petitioners have been falsely implicated. No overt act has been attributed to the petitioners. Co-accused persons similarly situated with the petitioners have already been granted anticipatory bail by coordinate Benches of this Court in CRM 6907 of 2021 and CRM 6129 of 2021. Upon completion of investigation charge-sheet has already been submitted and as such custodial interrogation is not warranted.

Learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to statements of the witnesses, as recorded under Sections 161 and 164 of the Code. He further submits that there are incriminating materials against the petitioners and they are not similarly situated persons who have been granted anticipatory bail.

We have heard learned advocates appearing for the respective parties, considered the materials in the case diary including the statement of the witnesses and assessed the role of the present petitioners. Upon such cumulative assessment, we find that the petitioners are not similarly situated with the co-accused persons, who have been granted anticipatory bail and that *prima facie* there are strong incriminating materials against the petitioners. Considering the seriousness of the offences, we are not inclined to exercise any discretion in favour of the petitioners, more so when, investigation is still continuing.

Accordingly, the application for anticipatory bail being C.R.M. No.5977 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.)

