

23.12.2021
Item no. 538
Court No.32
Avijit Mitra

C.R.M. 6475 of 2021

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

And

In Re : Mohendra Mondal alias Mahendra Mondal & ors.

.... petitioners

Mr. Kusal Kumar Mukherjee

....for the petitioners

Md. Anwar Hossain

..... for the State

Apprehending arrest the present application is filed praying for anticipatory bail in connection with Baishnabnagar Police Station Case No.339 of 2011 dated 28.12.2011 under Sections 148/149/448/323/436/427/380 of the Indian Penal Code and sections 3/4 of the Explosive Substances Act and sections 25/27 of the Arms Act.

On the prayer Mr. Mukherjee, learned advocate appearing for the petitioners the present application so far as the petitioner nos. 5, 6, 9, 10, 13 and 14 is concerned is dismissed as infructuous since they have been arrested.

He further submits that initially complaint was lodged against 200 persons and the petitioners have been falsely implicated. Co-accused persons have already been enlarged on bail. In the said conspectus, custodial interrogation is not necessary.

Mr. Hossain, learned advocate appearing for the State opposes the petitioners' prayer and submits that a Coordinate Bench of this Court rejected the anticipatory bail preferred by 15 accused persons, who are similarly situated with the petitioners on 10th June, 2021. Let the order be kept on record.

He further submits that the incident was of the year 2011 and the petitioners are absconding till date and chargesheet has been submitted showing them absconder.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the conduct of the petitioners and the extent of complicity of the petitioners, we are not inclined to exercise any discretion in favour of the petitioner nos.1, 2, 3, 4, 7, 8, 11, 12 and 15.

Accordingly, the application for anticipatory bail of petitioner nos.1, 2, 3, 4, 7, 8, 11, 12 and 15, being C.R.M. No.6475 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.)