

22.12.2021

Item no.04  
Court No.32  
Avijit Mitra

**C.R.M.6587 of 2021**

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

And

**In Re : Jiaul Hoque @ Tinku & anr.**

.... petitioners

Ms. Pramita Banerjee

....for the petitioners

Mr. S.S. Imam,

Ms. Sonali Bhar

..... for the State

Apprehending arrest in connection with Hariharpara Police Station Case No.250 of 2021 dated 28.06.2021 under Sections 448/325/326/307/379/34 of the Indian Penal Code, the present application has been preferred.

Ms. Banerjee, learned advocate appearing for the petitioners submits that there was a long-standing land dispute between the parties and in view thereof, the petitioners have been falsely implicated. The allegations are omnibus in nature and four co-accused persons have already been granted bail. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation is not warranted.

Ms. Bhar, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses as recorded under Sections 161 and 164 of the Code and the injury report.

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 petitioners. Overt acts had been attributed to them. Considering the seriousness of the offence and the extent of complicity of the petitioners, we are not inclined to exercise any discretion in their favour. As such, their prayer for bail is refused.

Accordingly, the application for anticipatory bail being C.R.M. No.6587 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.)**