

16.12.2021
Item no.592
Court No.32
Avijit Mitra

C.R.M.7368 of 2021

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

And

In Re : Pappu Biswas & anr.

.... petitioners

Mr. Rajdeep Majumder,
Mr. Arif Mondal

....for the petitioners

Mr. S.S. Imam,
Mr. S. Kundu

..... for the State

Apprehending arrest in connection with Karimpur Police Station Case No.122 of 2021 dated 25.06.2021 under Sections 304/34 of the Indian Penal Code, the present application is filed praying for anticipatory bail.

Learned lawyer for petitioner Mr. Majumdar, submitted that chargesheet has been filed. No strong incriminating elements are there against the present petitioners. One of the co-accused, who is similarly situated, has been granted regular bail. Therefore, the present petitioners should be enlarged on anticipatory bail, according to the learned lawyer.

Per contra, learned lawyer for the State Mr. Imam, submitted that strong incriminating elements are there against the present petitioners in the case diary connecting the present petitioners to the alleged crime and invited our attention to the

statement of the witnesses and post-mortem report in this regard.

We have heard rival submissions and perused the case diary. We find from the statement of witnesses that the present petitioners have direct complicity with the alleged crime and they assaulted the victim with blunt weapon. Post-mortem report shows that the death was due to injuries so inflicted. We find strong incriminating elements against the petitioners and the offence is very grave and serious in nature. Therefore, even though chargesheet has been filed, considering the seriousness of offence and incriminating elements, we are not inclined to exercise our discretion in their favour.

Accordingly, the application for anticipatory bail being C.R.M. No.7368 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.)