

CRM 7662 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Suprakash Mondal**

..... petitioner

Ms. Shabana Hasin

.....For the petitioner

Mr. Tanmay Kumar Ghosh

Ms. Sonali Bhar

.....For the State

Apprehending arrest in connection with Beldanga Police Station Case No. 297 of 2021 dated 28.06.2021 under Sections 326(A)/307/34 of the Indian Penal Code, the instant application for anticipatory bail is filed.

The learned lawyer for the petitioner submitted that charge sheet has been filed. The principal accused is in custody. No direct complicity is there in respect of the present petitioner. Custodial detention is not necessary as charge sheet has been filed. Accordingly, anticipatory bail is prayed for.

Per contra, the learned lawyer representing the State submitted that strong incriminating elements are there in the case diary and the present petitioner is co-conspirator who was driving the motor cycle and the actual assailant was a pillion rider. The present petitioner is directly involved in a culpable act by participation. Accordingly, anticipatory bail is opposed.

We have heard rival submissions and perused the case diary. On perusal of the medical reports, we find that the victim was assaulted with acid and petrol. The present petitioner, as it appears from the statement of witnesses as well as that of the victim, was a driver of the motor cycle which was used by the actual assailant to assail the victim with acid and petrol. We find that *prima facie* the present petitioner is a conspirator who was present in the spot and had active participation in commission of the alleged crime. On perusal of the case diary and other materials there and considering the seriousness and gravity of offence, we are not inclined to allow the instant anticipatory bail and the same stands rejected. The petitioner should surrender before the learned Court below and shall apply for regular bail.

The application CRM 7662 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.)