

09.03.2021

Item No.122

Ct.No.28

dc.

Rejected

C.R.M. 8219 of 2020

(Via Video Conference)

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

And

In Re : **Md. Ibrahim & Ors.**

... Petitioners.

Mr. Tilak Mitra,
Mr. Bani Brata Datta,
Md. Safiur Rahaman,
Mr. Sourav Paul

... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy

... For the State.

Mr. Abdur Rakib,
Mr. Mahim Sashmal

... For the *de facto* complainant.

Apprehending arrest in connection with Harishchandrapur P.S. Case No. 531 of 2020 dated 14.08.2020 under Sections 341/326/307/325/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code, the present application has been preferred.

As the petitioner no.1, namely, **Md. Ibrahim** has already expired during the pendency of this application, the anticipatory bail application, so far as the said petitioner no.1 is concerned, is dismissed as infructuous.

The learned advocate appearing for the petitioners submits that the petitioner Nos. 2, 3 and 4 have been falsely implicated. No overt act has been attributed to the said petitioners. Three co-accused persons have already been granted anticipatory bail by a co-ordinate Bench of this Court and in the said conspectus, custodial interrogation of the petitioner Nos. 2, 3 and 4 is not warranted.

The learned advocate appearing for the State opposes the petitioners' prayer and submits that two persons received grievous injury and one succumbed to such injury. The co-accused persons, namely, (1) Md. Samsul Haque, (2) Mojibur Rahaman and (3) Abdur Rahaman had been granted anticipatory bail considering the statement of an injured, as recorded under Section 164 of the Code, wherein their names did not feature. The petitioners are not similarly situated with the said persons.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, the injury reports and the extent of complicity of the petitioner Nos. 2, 3 and 4 in the alleged offence, we are not inclined to exercise any discretion in favour of the said petitioners. As such, their prayer for anticipatory bail is **rejected**.

The application for anticipatory bail, being CRM 8219 of 2020 is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)