

25.02.2021
Item no.36
Court No.28
Avijit Mitra

C.R.M.10653 of 2020 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Santipur Police Station Case No.404 of 2020 dated 15.09.2020 under Sections 447/427/435/436/34 of the Indian Penal Code;

And

In Re : Hanif Mondal & ors.

.... petitioners

Mr. Krishan Ray,
Mr. Pronojit Roy

....for the petitioners

Mr. Rana Mukherjee,
Mr. Goutam Wilson

..... for the State

Learned advocate appearing for the petitioners at the inception submits that during pendency of the application, the petitioner no.3, namely, Matiur Rahaman Mallik has been arrested as such, he intends to 'not press' the said application. Learned advocate submits that there are case and counter case in between the parties and the present petitioners have been falsely implicated in the instant case. Learned advocate additionally submits that the *de facto* complainant of the instant case is also an accused in the case which was initiated at the instance of the present petitioners and although the police authorities called him yet he was not arrested. Further learned advocate submits that on any stringent condition the petitioners may be released.

Learned advocate appearing for the State opposes the prayer for anticipatory bail of the petitioners and submits that there have been recoveries and the statements of the witnesses

would reveal that the petitioners were involved in setting fire on the houses of many persons and destruction of the property of local people due to monetary dispute.

We have taken into account the statements of the witnesses, the seizure list and the role of the present petitioners in the commission of the alleged offence. Having regard to the same, we are of the opinion that the petitioners are not entitled to the privilege of the anticipatory bail.

Accordingly, the prayer for anticipatory bail is rejected.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)