

02.03.2021
Item No.151
Ct.No.28
s.d.
rejected

C.R.M. 10735 of 2020
(Via Video Conference)

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

And

In the matter of : Rup Kumar Biswas ... Petitioner.

Mr. Saikat Chatterjee
Mr. Rudraksha Chattopadhyay
... For the Petitioner.

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
... For the State.

Apprehending arrest in connection with Santipur
Police Station Case No. 164 of 2018 dated 24-05-2018 under
Section 302/34/120B of the Indian Penal Code and under
Section 27 of the Arms Act(G. R. Case No. 814 of 2018), the
present application has been filed.

Mr. Chatterjee, learned advocate appearing for the
petitioner submits that the petitioner is innocent of charges
and he has been implicated after a long time and by way of a
third charge-sheet being filed with the court.

Learned advocate appearing for the petitioner emphasizes that the petitioner has not been implicated in the first charge-sheet or the 2nd chargesheet.

Additionally, learned advocate for the petitioner submits that similarly placed some of the accused persons have been granted bail.

Mr. Ghosh, learned advocate appearing for the State opposes the prayer for anticipatory bail and draws the attention of this court to the statement of the wife of the deceased recorded under Section 164 of the Code of Criminal Procedure as well as the complaint which was filed.

Learned advocate for the State also submits that although the petitioner's name was not appearing in the first chargesheet but the Investigating Agency did not absolve the petitioner from the first charge-sheet which was done in respect of one accused namely, Binoy Kar.

We have perused the materials on record available in the case diary and we find that the incident relates to a political dispute, the victim of which had been the husband of the complainant.

The deceased was fired at his house in the presence of his family members during the panchayet elections.

We have considered the statement of the witnesses, the nature and gravity of the offence and the circumstances under which the petitioner has been implicated. On an assessment of the same, we are of the opinion that the

petitioner cannot be extended the benefit of anticipatory bail and the prayer for anticipatory bail of the petitioner is rejected.

With the above observations, the application being CRM 10735 of 2020 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)