

04.03.2021

Court No.28

rpan/ 24

C.R.M. 10740 of 2020
(Via video Conference)

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

And

In re: **Boto Barman @ Mohan Barman & Another**

.....Petitioners.

Mr. Kaushik chaudhury,

Ms. Busra Khatun

....For the Petitioners.

Mr. Prasun Kumar Dutta,

Mr. Subrato Roy

....For the State

Apprehending arrest in connection with Kumarganj Police Station Case No. 125 of 2020 dated 27.08.2020 under Sections 341/326/307/34 of the Indian Penal Code, the petitioners have filed the present application.

Learned advocate appearing for the petitioners submits that there was a dispute between the petitioners and the *de facto* complainant relating to utilization of a pond for pisciculture. The petitioners have been falsely implicated. No overt act has been attributed to the petitioner and in view thereof, custodial interrogation of the petitioners is not necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the *de facto* complainant, as recorded under Section 164 of the Code and the medical reports.

We have perused the materials on record. It appears that the nephew of the *de facto* complainant suffered a severe eye

injury. Considering the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in their favour. As such, the prayer for anticipatory bail of the petitioners, namely, 1. **Boto Barman @ Mohan Barman** and 2. **Surajit Das (Suro)**, is refused.

Accordingly, the application for anticipatory bail, being CRM No. 10740 of 2020, is rejected.

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.)