

CRM 10753 of 2020
(Via video Conference)

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

And

In Re : **Badsha Sk.**

Petitioner

Mr. Usuf Ali Dewan

Mr. Asif Dewan.

For the Petitioner

Mr. P. K. Datta

Mr. Santanu Deb Roy.

For the State

Apprehending arrest in connection with Raghunathganj P.S. Case No. 290 dated 24.03.2016 under sections 286/326/307/34/302 of the Indian Penal Code read with Sections 3/4 E.S.Act, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the First Information Report was registered against the innocent persons and subsequently the petitioner's name transpired in the chargesheet. Learned advocate for the petitioner also submits that the persons who were arrested in the instant case have been subsequently released on bail and as the investigation is concluded, further detention of the petitioner is not warranted.

Mr. Datta, learned advocate appearing for the State opposes the prayer and draws the attention of the Court to the statement of the witness under Section 161 of the Code of Criminal Procedure.

We have perused the materials available in the case diary and assessed the same. Considering the subject-matter of the case involved that in an under-construction building five

children were playing, suddenly bombs exploded as a consequence the five children were injured and one of them subsequently died. We have also found that the case was registered in the year 2016 and the chargesheet has been submitted in 2018.

Having regard to the conduct of the present petitioner as well as the gravity of the offence, we are not inclined to extend any privilege of anticipatory bail to the present petitioner. As such, the prayer for anticipatory bail is rejected.

The application for anticipatory bail, being CRM 10753 of 2020 is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)