

21.01.2021
SL No.15
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**CRM 70 of 2021
(Through Video Conference)**

**Mafijar Rahaman & Ors.. Petitioners.
Vs.**

The State of West Bengal... .. Respondent.

Mr. Kallal Mondal.

.. Advocate for the Petitioners present in virtual mode.

Mr. Sudip Guha

..Advocate for the petitioners present in Court.

Ms. Namrata Das.

..Advocate for the State present in Court.

The present application has been filed for grant of pre-arrest bail to the petitioners in connection with Sahebganj Police Station Case No. 515 of 2018 dated 23-11-2018, registered under Sections 143/146/325/326/307/506/34 of the Indian Penal Code, 1860.

Learned counsel for the petitioners submitted that the present complaint is a counter blast to the complaint lodged by petitioner No.6 on 25-07-2018, where the accused party had attacked them for which police had registered a case.

Learned counsel for the petitioner submitted that though incident happened on 23-11-2018, however, the manner in which it has been reported to the police is totally wrong. It is also submitted that the petitioners are totally innocent. The petitioners were never sought to be arrested by the police for the last two years. Even the charge-sheet has not been filed.

On the other hand learned counsel for the respondents submitted that grievous injuries were inflicted by the petitioners on the brother of the complainant on 22.11.2018. He remained admitted in Hospital for seven days. Both his legs were fractured. Firstly, he was admitted in Dinhata Hospital, Dinhata (District Cooch Behar) and thereafter shifted to Shivom Hospital, Cooch Behar.

Learned counsel for the respondent submitted that efforts were made to arrest the petitioners but they are absconding.

Heard learned counsels for the parties and perused the material on record as well as the case diary.

No doubt, the petitioners have placed on record complaint filed by the petitioner No.6 about the incident which took place on 25-07-2018 where the complainant party is said to be accused. The incident in the present case took place on 22-11-2018. As far as the allegations in the complaint, are concerned, the brother of the complainant namely, Fajijar Rahaman suffered grievous injuries, which have been noticed in the medical report. The injuries noticed in the report are as under:

- “ 1) Sharp Cut injury over (R) cheek _ 4. cm. * one CM-stitched and dresses
- 2) minor sharp cut injury (R) Ear
- 3) Sharp cut injury * penetrative injury (L) arm-2 cm. * 1 cm.
- 4) bullet injury (L) lower limbs & knee laceration of (L) leg
- 5) bullet injury (R) lower limbs and laceration of (R) leg
- 6) blunt injury over chest and body.”

The aforesaid injuries clearly suggest that the injured was mercilessly attacked and he remained admitted in different Hospitals for seven days.

Considering the nature of injuries suffered by the complainant party, we do not find any case is made out for grant of pre arrest bail.

The application for pre-arrest bail is accordingly, dismissed.

Before parting with the order we are constrained to comment on the working of the investigating agency in the State of West Bengal. It is a case in which complaint was lodged on 23-11-2018. The allegations are regarding grievous injuries including gun-shot injury suffered by the injured. The medical report is on record in the case diary. What was referred to at the time of hearing by the learned counsel for the State was that efforts were made to arrest the accused on 23-11-2018 and 25-11-2018. Thereafter nothing was pointed out in the case diary that any efforts were made either to arrest the accused or properly investigate the case. Last entry in the case diary is on 15-12-2018 when the injury report was received from the Hospital. The noting shows that on that day the case diary was closed pending investigation. Thereafter the investigating officer slept over the matter. Till date no further action was taken for investigation of the case and no charge sheet was filed for more than two years of registration of the case. The system needs total revamp. The confidence of public in the law enforcing agencies will be shattered in case investigation for serious offence are kept pending for years together.

The data which is available with the National Crime Record Bureau for the year 2019 shows astonishing figures as far as conviction rate in the State of West Bengal pertaining to various offences, is concerned. It can either be on account of lack of proper investigation, prosecution or registration of false cases. The matter needs to be looked into by the authorities concerned seriously.

Let a copy of this order be sent to the Home Secretary, Government of West Bengal, for taking appropriate steps to monitor the investigation of the complaints registered with the police. Details of all cases registered with the police in which charge sheets have not be filed within the time permitting in terms of relevant laws, be furnished before the Registrar Judicial of the Principal Bench of High Court at Kolkata, within a period of three months from the date of receipt of copy of this order, along with the reasons for delays.

The application is, accordingly, disposed of.

(RAJESH BINDAL, J.)

(SAUGATA BHATTACHARYYA, J.)

(RAJESH BINDAL, J.)

(SAUGATA BHATTACHARYYA,J.)