

23.09.2021

Court No.01
rpan /23

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

C.R.M. 561 of 2021

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

and

In Re : **Rasidul Haque**

...Petitioner.

Mr. Sudip Guha

... for the petitioner.

Mr. Ujjwal Luksom,

Mr. Saikat Chatterjee

... for the State.

Apprehending arrest in connection with Dinhata Police Station Case No.01 of 2021 dated 02.01.2021 under Sections 447/427/325/326/307/34 of the Indian Penal Code, 1860 read with Sections 25(1-A)/27 of the Arms Act, the petitioner has preferred the present application.

The learned advocate appearing for the petitioner submits that there was a dispute between two groups of the same political party. No overt act has been attributed to the petitioner. Co-accused persons, similarly situated with the petitioner herein, have already been granted anticipatory bail. In view of the animosity between the parties, false implication of the petitioner cannot be totally ruled out. In the said conspectus custodial interrogation of the petitioner is not warranted.

The learned advocate appearing for the State opposes the petitioner's prayer and submits that there was a free fight between two groups and gun shots were fired in the open and as a consequence thereof, one Alsaf Ali was injured. He was operated

upon and a bullet was extracted. In the said sequence of facts, the petitioner is not entitled to the relief as prayed of.

We have heard the learned advocates and considered the materials in the case diary including the statements of eyewitnesses, as recorded under Section 161 of the Code. *Prima facie*, the petitioner does not appear to be similarly situated with the persons who have been granted anticipatory bail. Considering the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail, being CRM 561 of 2021, is dismissed.

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

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)