

23.06.2021

Court No.28
Item No.03
(REJECTED)

akd
&
ab

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

(Via Video Conference)

CRM 654 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Rajganj Police Station Case No. 367 of 2019, dated 08.11.2019 under Sections 143/341/186/332/333/353/307 of the Indian Penal Code;

And

In the matter of : **Saddam Md. @ Saddam Ali & Ors.**
...Petitioners

Mr. Joydeep Kanta Bhowmik.

...For the Petitioners

**Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Sourav Ganguly.**

...For the State.

The Advocate on Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Rajganj Police Station Case No. 367 of 2019 under Sections 143/341/186/332/333/353/307 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

It is submitted by the learned Advocate for the petitioners that the incident happened over the organization of gamble and while the raid was conducted by the police personnel a large number of people resisted them, but because of the petitioners being the residents of the locality, their names appeared in the First Information Report. It is further submitted that the four co-accused have already been granted the privilege of pre-arrest bail and, therefore, the petitioners standing on the same footing should also be treated equally.

Learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the persons, who have been

granted anticipatory bail, were neither named in the First Information Report nor in the statement of the injured persons recorded under Section 161 of the Code of Criminal Procedure. It is further submitted that the names of the petitioners have been clearly disclosed in the statement recorded under Section 161 of the Code of Criminal Procedure and, therefore, the petitioners do not stand on the same footing that of the other co-accused, who have been granted anticipatory bail.

After hearing the learned Counsels and on perusal of the materials available on record including the medical report as well as the statement recorded under Section 161 of the Code of Criminal Procedure the names of the petitioners appear to have been taken. It is alleged that these petitioners were indulged in pelting stones and committing physical assault on the police personnel at the time of raid with the offending weapons.

At this stage, we do not think that the petitioners are entitled to the privilege of pre-arrest bail, rather their custodial interrogation is necessary.

The application for anticipatory bail being CRM 654 of 2021 is thus **rejected**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)