

04. 18.08.2021

Ct.32

Tanmoy

Rejected

**In The High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

(Through Video Conference)

C.R.M. 821 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **06/08/2021** in connection with **Sitalkuchi Police Station Case No. 83 of 2021** dated **10/04/2021** under Sections **302/34** of the Indian Penal Code read with Sections **25/27** of the Arms Act, Sections **3/4** of Explosive Substances Act with added Section 134B of Representation of People Act, 1951.

And

In the matter of: - **Habi Miah @ Habibar Rahaman & Ors.**

....petitioners.

Mr. Hillol Saha Podder

...for the petitioners (through V.C.).

Mr. Arun Sarkar,
Mr. Aniruddha Biswas

...for the State (through V.C.)

The allegation against the petitioners is under Sections 302/34 of the Indian Penal Code. It is submitted on behalf of the petitioners that they have no involvement in the alleged offence and have been falsely implicated due to political rivalry.

Learned Counsel for the State opposes the prayer for anticipatory bail and produces the Case Diary including statements of witnesses recorded under Section 161 of the Code of Criminal Procedure which specifically implicate the petitioners.

We have perused the material in the Case Diary. The allegations are extremely grave. Sufficient incriminating material has *prima facie*, transpired against the petitioners in course of investigation which is still in progress. We are informed that the bail petition of the co-accused, similarly circumstanced with the petitioners, has been turned down by a co-ordinate Bench of this Court. The petitioners stand on the same footing.

Having considered the material available in the Case Diary and *prima facie* involvement of the petitioners in the alleged offence, we are not inclined to grant anticipatory bail to the petitioners.

Accordingly, The application for anticipatory bail being C.R.M. 821 of 2021 is **dismissed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)