

25.01.2022
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Ct. No 29
KAUSHIK
(REJECTED)

C.R.M (A) 74 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **531** of **2020** dated **14.08.2020** under Sections 341/326/325/307/302/34 of the Indian Penal Code, 1860.

And

In Re : Selim Jahangir

..... petitioner

Mr. Imtiaz Ahmed
Ms. G. Firdous
Mr. M. Islam
Ms. Smita Saha
Mr. Sk. Saidullah
Ms. Arunima Mukhopadhyay
Ms. Debopam Roy

.... for the petitioner

Ms. Faria Hossain
Ms. Sonali Das

... for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, although the application for anticipatory bail was rejected on November 9, 2021, the petitioner was not represented on such date. He submits that, there are orders of Coordinate Benches granting anticipatory bail to the other co-accused. The petitioner sands on the same footing as that of the other co-accused, who were granted anticipatory bail.

Learned advocate appearing for the State submits that, the prayer of the petitioner for grant of anticipatory bail was rejected on November 9, 2021 on merits. There is no change in circumstance for the Court to grant anticipatory bail now.

The petitioner along with another person filed a petition for anticipatory bail being CRM 3942 of 2021. Such petition was pending since June 20, 2021. The petitioner was affirmed on September 29, 2020. On November 9, 2021 when the petition was taken up for consideration, none appeared for the petitioner. Despite none appearing for the petitioner, the materials in the case diary was considered and particularly the statement recorded under Section 164 of the Code of Criminal Procedure and the injury report. Considering such aspect, the prayer for anticipatory bail was turned down on November 9, 2021.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 74 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)