

04.02.2022
Item no. 14
Court No.32
Avijit Mitra

C.R.M.(A) 77 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Harirampur Police Station Case No.259 of 2021 dated 21.11.2021 under Sections 341/325/326/307/34 of the Indian Penal Code;

And

In Re : Rahamat Ali & ors.

.... petitioners

Mr. Kallol Mondal,
Mr. Musharraf Alam Sk.

....for the petitioners

Mr. Saibal Bapuli,
Mr. Soumik Ganguly

..... for the State

Mr. Mondal, learned lawyer for the petitioners submitted that the allegation is a counter-blast of mutual hostilities between the parties where wife of the petitioner no.3 implicated the *de facto* complainant in other criminal cases. There is hardly any incriminating material against the present petitioners. There is no reason for custodial detention of the present petitioner and accordingly, he prayed for anticipatory bail.

Per contra Mr. Bapuli, learned lawyer representing the State submitted that strong incriminating elements are there against the present petitioners. Inviting our attention to the injury reports and medical reports he submitted that the alleged offence is grave and serious and incriminating materials indicate direct complicity of the petitioners in the alleged offence. Accordingly, he opposed the anticipatory bail.

We have perused the case diary and other materials. Injury report and medical report indicate multiple fractures in the person of the victim. The statements of the witnesses indicate direct complicity of the present petitioners in the alleged offence and that the present petitioners assaulted the victim with weapons. There are also recovery of offending weapons. On perusal of case diary and considering the seriousness of the offence, complicity of the present petitioners in the alleged offence and the stage of investigation which is still pending, we are not inclined to allow the anticipatory bail and the same stands rejected.

The application for anticipatory bail being C.R.M.(A) 77 of 2022 is dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)