

15.02.2022
Item no. 15
Court No.32
Avijit Mitra

C.R.M.(A) 226 of 2022

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

And

In Re : Ainal Mondal & anr.

.... petitioners

Mr. Sumanta Das,
Mr. Asraf Mondal

....for the petitioners

Mr. Partha Pratim Das,
Ms. Manashi Roy

..... for the State

Apprehending arrest in connection with Tehatta Police Station Case No.514 of 2021 dated 05.10.2021 under Sections 447/325/308/506/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated due to previous enmity. No specific overt act has been attributed to the petitioners herein. The principal accused namely, Islam Mondal, was arrested and subsequently enlarged on bail by the learned Court below. In the said conspectus, custodial interrogation may not be necessary.

Mr. Das, learned advocate appearing for the State opposes the petitioners' prayer and submits that the investigation is still continuing and specific overt acts have been attributed to the petitioners. In support of such contention he has drawn our attention to the statement of the witnesses as well as the injury report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary including the injury report.

Prima facie, it appears that there are strong incriminating materials against the petitioners. Considering the nature of accusations, the injury report and the possible extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in their favour more so when investigation is still continuing. In view thereof, the prayer for anticipatory bail is refused.

The application for anticipatory bail being C.R.M.(A) 226 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.)