

CRM(A) No.262 of 2022

Via video conference

22.02.22

(S.R.)

Sl.16

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Khanakul** Police Station Case No.430 of 2021 dated 11/11/2021 under Sections 341/325/307/354(B)/379/427/504/120(B) of the Indian Penal Code and Sections 25/27 of Arms Act (G.R. Case No.1331 of 2021);

And

In re: Bappa Pal

... petitioner.

Mr. Niladri Sekhar Ghosh

Ms. Sompurna Chatterjee

... for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasak Banerjee

...for the State.

Mr. Ghosh, learned lawyer appearing for the petitioner submitted that the present petitioner is falsely implicated in this Case. No overt act is attributed to the present petitioner. Although, the present petitioner is named in the FIR, principal criminal acts are attributable to the other accused persons. Since no overt act is attributable and no active participation of the petitioner is there, custodial interrogation is not necessary. Accordingly, anticipatory bail is prayed for.

Mr. Ghosh, learned lawyer appearing for the State submitted that strong incriminating elements are there against the present petitioner and further incriminating materials may be unearthed in the course of investigation. Investigation is still pending. Some of the co-accused persons are absconding. Since investigation is pending custodial interrogation of the present petitioner may be necessary for recovery of materials in connection with the alleged offence. In the facts and circumstances, he strongly opposed the anticipatory bail.

We have heard rival submissions and perused the case diary. The allegations are very grave and serious in nature. As submitted by the learned lawyer for the State, some accused are absconding. Since

investigation is pending, custodial interrogation may be necessary. In this situation, we are not inclined to allow anticipatory bail and the same stands rejected.

The application for anticipatory bail being CRM(A) No.262 of 2022 is, accordingly, 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.)