

CRM (A) 613 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Anarul Islam @ Alom & Anr.**

..... petitioners

Mr. Mazahar Hossain Chowdhury

.....For the petitioners

Mr. Soumik Ganguli

Mr. Arani Bhattacharya

.....For the State

Apprehending arrest in connection with Harishchandrapur Police Station Case No. 436 of 2020 dated 13.07.2020 under Sections 341/324/325/308/354/34 of the Indian Penal Code, the present application has been preferred.

Mr. Chowdhury, learned lawyer appearing for the petitioners submitted that the present petitioners are similarly situated with other co-accused who are granted anticipatory bail by the learned District Judge. Since charge sheet has been filed, custodial detention is not necessary. Therefore, he prays for anticipatory bail on any condition.

Per contra, Mr. Bhattacharya, learned lawyer appearing for the State invited our attention to the injury reports and statement of the witnesses. He submitted that the allegation is serious and grave and the victim received severe injuries as a result of conjoint attack and assault by the accused persons in which the present petitioners were included. He,

accordingly, strongly opposed the anticipatory bail application.

We have perused the case diary and heard the rival submissions. Injury report indicates severe injuries by offensive weapons. Although we are not able to find recovery of any offensive weapons, yet statements of the witnesses present as well as the injured persons clearly indicate, corroborated by the injury report, that severe injuries were inflicted with weapons. We find active complicity of the present petitioners in the alleged offence. Therefore, even though the charge sheet is filed and even though the other accused granted anticipatory bail by the learned District Judge, we are not inclined to allow the anticipatory bail to the present petitioners, since anticipatory bail granted by the learned District Judge, is not binding on this Court. Accordingly, the application stands rejected.

The application being CRM (A) 613 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.)