

Sl. 32
15.03.2022
Court No.32
SD

CRM(A) 716 of 2022

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

And

In the matter of: Golam Mortuja & Ors.

... Petitioners.

Ms. Minati Gomes

...for the Petitioners.

Mrs. Zareen N. Khan

Mr. Arup Sarkar

...for the State.

Apprehending arrest in connection with Chanchal Police Station Case No.104 of 2022 dated 01.02.2022 under Sections 341/323/325/326/308/34 of the Indian Penal Code, 1860, the petitioners have filed the present application, praying for anticipatory bail.

Ms. Gomes, learned lawyer appearing for the petitioners submitted that the instant complaint is counter-blast to trail of hostilities existing between the parties. The present petitioners also sustained injury in the said incident. However, she candidly admitted that the present petitioners are absconding and for which they are not arrested as yet. However, she prays for anticipatory bail on any stringent condition.

Learned lawyer for the State strongly opposed the application for anticipatory bail and invited our attention to the injury report and statement of witnesses wherefrom, according to him, strong incriminating elements implicating the present petitioners in the crime, emanate.

We have heard rival submission and perused the case diary. We find that the victim was assaulted on head with stick and wooden handle of spade

and sustained serious injury on head, as injury report shows. However, offensive weapons are yet to be recovered.

Considering the seriousness of allegations and the fact that investigation is still pending for which custodial detention for interrogation may be necessary, we are not inclined to allow the prayer for anticipatory bail and the same is, thus, rejected.

The application for anticipatory bail, being CRM(A) 716 of 2022 is, thus, 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.)