

16.02.2022

Sl. 57
Court No.29
suvayan

CRM 4783 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sonarpur** P.S. Case No. **461 of 2021** dated **16/06/2021** under Sections **341/325/326/354/501/34** of the Indian Penal Code.

And

In the matter of: Saradindu Das & Ors.

....petitioners.

Mr. Arnab Saha

...for the petitioners.

Mr. Arijit Ganguly

Ms. Sujata Das

...for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that petitioner No.1 (*Saradindu Das*) was arrested and subsequently enlarged on bail by the jurisdictional Court. So far as the petitioner No.3 (*Shivam Das*) is concerned, he is a minor. He relies upon the judgment and order dated January 20, 2022 passed in *Suhana Khatun and Ors. Vs. State of West Bengal* by the co-ordinate Bench. He submits that the issue of the maintainability of an application for anticipatory bail by a minor was referred to the Larger Bench.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary including the injury reports.

In *Suhana Khatun (Supra)*, the Division Bench, although referred the issue of maintainability of an application for anticipatory bail at the behest of a minor to the Larger Bench, found the application before it to be not maintainable.

In the facts of the present case, the petition is being not pressed on behalf of the petitioner No.1 in view of his arrest and subsequent enlargement on bail.

So far as the petitioner No.2 (*Joya Das*) is concerned,

considering the gravity of the offence and the involvement of the petitioner No.2, we are unable to grant anticipatory bail to the petitioner No.2.

So far as the petitioner No.3 is concerned, in view of decision of *Suhana Khatun (Supra)*, we are unable to grant relief to him.

Accordingly, CRM 4783 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)