

04.01.2022

Sl.No. 273

Ct.No. 32

Amalranjan

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

(Via Video Conference)

CRM No. 7835 of 2021

Re: An application for anticipatory bail under Section 438 of
the Code of Criminal Procedure, 1973.

Rejected

In the matter of : JalilUddin Gazi & Ors.

..... Petitioners

Mr. Tanmay Basu

...for the Petitioners

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

...for the State

Apprehending arrest in connection with Harwood
Point Coastal Police Station Case No. 205 of 2021 dated
01.07.2021 under Sections 323/325/354B/506/308 and 34
of the Indian Penal Code and under Section 12 of the POCSO
Act, the petitioner has filed the present application.

The learned advocate appearing for the petitioners
submits that the petitioners have been falsely implicated in
view of previous enmity. The allegations are omnibus in
nature. The present complaint was lodged as a counter blast
to a civil dispute between the parties. Co-accused persons
have already been granted anticipatory bail by a co-ordinate

Bench of this Court. In the said conspectus, custodial interrogation is not necessary.

Per contra, the learned advocate appearing for the State submits that there are strong incriminating materials against the present petitioner and invites our attention to the injury report and the statement of the victim girl as recorded under Section 164 of the Code. He further submits that investigation is still in progress and the petitioner is not similarly situated with the co-accused persons, who have been granted anticipatory bail.

We have heard the rival submissions of the parties and perused the case diary. Strong incriminating materials are there against the present petitioners. Petitioner no.1 was part of the group who assaulted the victim. He also instigated the others. A perusal of the statement of the victim reveals that she was assaulted on her head by a stick and medical documents corroborates such assault. She was admitted in a hospital for almost 2 weeks. Investigation is still in progress. Considering the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in their favour.

Accordingly, the application for anticipatory bail of the present petitioners is rejected.

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.)