

06.01.2022
Item no. 30
Court No.32
Avijit Mitra

C.R.M. 7976 of 2021 (Through Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal;

And

In Re : Sukumar Mandal

.... petitioner

Mr. Anup Kumar Bhowmick

....for the petitioner

Mr. Santanu Chatterjee

..... for the State

Apprehending arrest in connection with Kaliachak Police Station Case No.697 of 2016 dated 10.10.2016 under Sections 147/148/149/447/307/302/ of the Indian Penal Code and sections 3/4 of the Explosive Substances Act one of the accused persons filed the instant application praying for anticipatory bail.

Mr. Bhowmick, learned lawyer representing the petitioner submitted, that the present petitioner is a migrant worker. Chargesheet has been filed in this case and other accused persons are on bail. The present petitioner is on the same footing with the other accused persons. Therefore, anticipatory bail may be granted to the petitioner.

Per contra, learned lawyer representing the State Mr. Chatterjee submitted, that incriminating materials are there against the present petitioner who is absconding for long. One of the accused persons is in custody still now and not enlarged on

bail even after filing of the chargesheet. Accordingly, he strongly opposed the anticipatory bail considering the incriminating materials and grave allegations.

We have heard rival submissions and perused the case diary. Chargesheet has been filed in the year 2017 being Chargesheet No.02 of 2017 dated 07.01.2017 under Sections 147/148/149/447/326/307 and 302 of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act. The petitioner is absconding as yet. Other accused persons were granted regular bail. Considering the nature of allegation, conduct of the petitioner and the extent of incriminating elements, we are not inclined to allow the anticipatory bail.

Accordingly, the application for anticipatory bail being C.R.M. No.7976 of 2021 is 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.)