

10.02.2022

Court No.32
rpan / **193**
SM,J.

CRM 8518 of 2021

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

And

In Re.: **Sk. Afzal Hossain @ Rikku & 3 Others**

- Petitioners

Mr. Sekhar Kumar Basu,

Mr. Saryati Datta,

Mr.Diptangshu Basu

... for the Petitioners.

Mr. Rudradipta Nandy

... for the State.

Apprehending arrest in connection with Ratua Police Station Case No.354 of 2020 dated 06.08.2020 under Sections 448/326/307/302/506/34 of the Indian Penal Code, 1860, the petitioners file the instant application praying for anticipatory bail.

Mr. Basu, learned lawyer appearing for the petitioners submitted that four co-accused persons had been granted statutory bail. They are similarly situated with the present petitioners. The present petitioners are falsely implicated as a consequence of family feud. Custodial detention of the petitioners for interrogation is not necessary. Accordingly, Mr. Basu prayed for anticipatory bail on any stringent condition.

Mr. Nandy, the learned lawyer appearing on behalf of the State submitted that strong incriminating elements are there against the present petitioners. They have direct complicity in the alleged crime. He invited our attention to the post-mortem report, injury reports and the statements of the witnesses recorded under

Section 164 of the Cr.P.C. On the basis of the available materials in the C.D, Mr. Nandy, strongly opposed the anticipatory bail.

We have heard rival submissions and perused the C.D. The present petitioners are named by one of the victims, who survived the assault. Statements show direct complicity of the present petitioners in the alleged crime. Injury reports show serious injury on the survivor; whereas the other succumbed to the injuries and expired. Investigation is still pending.

Considering the seriousness of the offence, the complicity of the present petitioners in the alleged crime and the stage of investigation, we are not inclined to allow the anticipatory bail to the present petitioners and the same stands rejected.

The application for anticipatory bail, being CRM 8518 of 2021 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.)