

18.01.2022

Item no. 27

Court No.32

Avijit Mitra

C.R.M. 8536 of 2021 (Through Video Conference)

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

And

In Re : Suman Achar

.... petitioner

Mr. Soumya Basu Roy Chowdhury

....for the petitioner

Mr. Tanmoy Ghosh

Ms. Sima Biswas

..... for the State

Apprehending arrest in connection with Bagnan Police Station Case No.244 of 2021 dated 05.05.2021 under Sections 341/326/307/379/34 of the Indian Penal Code and sections 3 and 4 of the Explosive Substance Act, the present application has been preferred.

Mr. Basu Roy Chowdhury, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged incident. No overt act has been attributed to the petitioner. There was a hot altercation between the parties and the incident occurred on the spur of the moment. In the said conspectus, custodial interrogation is not required since upon completion of investigation chargesheet has been submitted.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses including that of the injured, as

recorded under Section 161 of the Code, the injury reports and the seizure list.

He further submits that raid was conducted to arrest the petitioner but in vain.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials against the petitioner. Considering the seriousness of the offence, the injury report, the petitioner's conduct and the extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in his favour and as such, his prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail being C.R.M. No.8536 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)