

18.10.2022

Vacation Bench
SL No.30
S.B/s.biswas

C.R.M. (A) 5009 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Andal** P.S. Case No. **89 of 2021** dated **25.03.2021** under Sections **302/34** of the Indian Penal Code read with Sections 3/4 of the Explosive Substance Act.

And

In the matter of: **Kishor Rajwar @ Rajbhar**

....Petitioner

Mr. Kunal Ganguly

...for the Petitioner

Mr. Sanjoy Bardhan

Ms. Debjani Dasgupta

...for the State

Petitioner claims parity with another co-accused who was enlarged on anticipatory bail by the jurisdictional Court.

It is contended on behalf of the petitioner that the police have filed charge-sheet, therefore custodial interrogation of the petitioner is not required.

Learned advocate for the State submits that the statement recorded under Section 164 of the Code of Criminal Procedure does not name the other co-accused who was enlarged on anticipatory bail by the jurisdictional Court, but the petitioner is named in such statement.

The petitioner is named in the statement recorded under Section 164 of the Criminal Procedure Code.

Considering the gravity of the offence and involvement of the petitioner therein, we are not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Debangsu Basak, J.)

(Ajay Kumar Gupta, J.)