

18.
07-01-2022
(ct. no.01)
debajyoti

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 14 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Dinhata Police Station Case No.430 of 2021 dated 20-08-2021 under Sections 341/323/326/307/120B/34 of the Indian Penal Code read with Sections 25(1A)/27 of the Arms Act and Sections 3/4 of the Explosives Substances Act.

- A n d -

In the matter of : Ainul Haque & Ors.

.... Petitioners.

Mr. Surajit Basu

... For the Petitioners.

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee

... For the State.

The petitioners are 17 out of several accused persons. They say that the incident was a fallout of political rivalry. The accused persons and the complainant belong to the same political party. The complainant does not name the petitioners. They have no role to play in the alleged incident. They are prepared to cooperate with the Investigating Officer.

We have seen the material in the Case Diary including the statements of eyewitnesses recorded under Section 161 of the Code of Criminal Procedure. Many of them named these petitioners as having played an active role in the alleged incident. We see from the injury report that the victim suffered bullet injury. Sections of the Arms Act and the Explosive Substances Act have been pressed into service.

Considering the nature of the allegations and the possible extent of the complicity of the petitioners in the alleged offence as would *prima facie* appear from the material

on record, we are not inclined to extend the privilege of anticipatory bail to the petitioners.

The application for anticipatory bail being CRM(A) 14 of 2022 is, thus, **dismissed**.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)