

11.03.2022
Court No.01
Item No.13
Saswata
(rejected)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 67 of 2022

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with New Jalpaiguri Police Station Case No. 55 of 2022 dated 11/01/2022 under Sections 341/326/307/506/34 of the Indian Penal Code read with Section 25(1-A) of the Arms Act.

And

In Re: **Pankaj Gupta & Anr.**

Petitioners

Mr. Saibal Kumar Dasgupta

For the Petitioners

Mr. Aditi Shankar Chakraborty, APP
Mr. Tapan Bhattacharjee

For the State

Apprehending arrest, the instant application for anticipatory bail has been filed by the petitioner in connection with New Jalpaiguri Police Station Case No. 55 of 2022 under Sections 341/326/307/506/34 of the Indian Penal Code read with Section 25(1-A) of the Arms Act.

Learned lawyer appearing for the petitioners submits that on payment of some loan amount, a free fight took place between the de facto complainant's husband and the accused persons. The petitioners have been implicated in this case falsely out of enmity. In such circumstances, learned lawyer submits that the petitioners may be extended the benefit of anticipatory bail under Section 438 of the Code of Criminal Procedure.

Learned lawyer for the State vehemently opposes the prayer for bail. Learned lawyer points out that the injured has sustained grievous hurt. On this score, learned lawyer submits that the prayer for anticipatory bail as made by the petitioners should be rejected.

It is alleged by the prosecution that on the fateful date, the accused persons attacked the husband of the de facto complainant and brutally assaulted him with sharp cutting weapon armed with deadly weapons, fire arms, etc.

We have perused the materials in the case diary especially the medical examination report. What we find on perusal of the materials in the case diary, the husband of the de facto complainant sustained grievous injuries on his person as well as injuries on the vital parts of the body.

Having heard the learned counsels appearing for the parties and on consideration of the nature of the offence, we think that there is need of custodial interrogation of the petitioners.

In view of the above, the application for anticipatory bail of the petitioners is *rejected*.

The application for anticipatory bail being CRM (A) 67 of 2022 is accordingly dismissed.

(Harish Tandon, J)

(Rabindranath Samanta, J)