

06.01.2023

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 35 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Burrabazar** Police Station Case No. **198** of **2022** dated **13.09.2022** under Sections 147/148/149/353/332/436/34 of the Indian Penal Code, 1860 and Sections 3/ 4 of the Prevention of Damage to Public Property Act read with Section 8 of the West Bengal Maintenance of Public Order Act.

And

In Re : Subhajit Ghosh

..... petitioner

Mr. Ayan Basu
Mr. Rajiv Lochan Chakraborty
Mr. Debapratim Guha
Mr. Sumit Routh
Mr. A. Sarkar

....for the petitioner

Mr. Swapan Banerjee
Mr. Purnima Ghosh

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner took part in a political rally. By reason of the allegiance of the petitioner to the particular political ideology, the petitioner was falsely implicated in the police case.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. She submits that, there are statement of the eye witness recorded under Section 161 of the Code of Criminal Procedure implicating the petitioner. She refers to photographs of the incident. She submits that, there are photographs of the petitioner indulging in the offences.

The case diary contains several photographs of the incident. One of the photographs identifies the petitioner to be present at the locale.

Public properties were destroyed in the incident. Police personnel were injured.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 35 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)