

02.03.2023

Serial no. 03

[Dd]

(Anticipatory bail)

(Rejected)

CRM (A) 347 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Nandakumar** Police Station Case No. **154** of **2022** dated **29.04.2022** under Sections **186 /189 /353 /332 /333 / 307/34** of the Indian Penal Code. G. R. case NO. 1169 of 2022

-And-

In the matter of : **Sk. Sikendar @ Sikandar Khan & Ors.**
... ..**Petitioners**

Mr. Anil Kumar Chattopadhyay, Advocate

... .. For the Petitioners

Mr. Rudradipta Nandy, Id. APP

Mr. Subrata Roy, Advocates

... ..For the State

The application is taken up for consideration subsequent to the order dated February 24, 2023 passed by the Hon'ble Supreme Court.

The application for anticipatory bail was disposed of on January 25, 2023. The petitioners preferred a Special Leave Petition which was disposed of on February 24, 2023 by requiring the anticipatory bail petition of the petitioners to be listed on February 28, 2023 and the application to be heard and decided without being influenced by any of the observations made in the earlier order of dismissal.

The Court was informed of the order of the Hon'ble Supreme Court dated February 24, 2023, on February 27, 2022 when the matter was directed to be listed in terms of the order of the Hon'ble Supreme Court.

Learned advocate appearing for the petitioners mentioned the matter without notice to the learned advocate for the State on February 27, 2023.

When the matter appeared on February 28, 2023, learned advocate for the State prayed for time to bring the case diary.

Such prayer being reasonable, was allowed. The matter was directed to be placed today.

Learned advocate for the petitioners submits that the police filed charge sheet and, therefore, custodial interrogation of the petitioners is not required. Petitioner no. 2 is the owner of the vehicle and is not involved in the incident. Another co-accused was granted bail by the jurisdictional Court.

Learned advocate for the State submits that the petitioner no. 1 is the driver of the vehicle, petitioner no. 2 is the owner of the vehicle, petitioner no. 3 is the caretaker of the vehicle and petitioner no. 4 is one of the other assailants. He submits that the vehicle was not adhering to the traffic directions given by the police personnel at the locale. An altercation took place, whereupon the petitioners gathered a crowd and assaulted the police personnel. He draws the attention of the Court to the injury reports as well as other materials in the case diary.

There are materials in the case diary suggesting that the petitioners were involved in the incident of assault.

The petitioners assaulted police personnel on duty.

Enlarging the petitioners on anticipatory bail, would send a wrong signal to the society. The incident occurred on a highway where management of traffic, with the kind of vehicle involved, is an issue. The petitioners not only disobeyed orders given to them relating to for traffic management but also went on to assault police personnel on duty issuing such direction.

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

Prayer for anticipatory bail of the petitioners is **rejected**.

CRM (A) 347 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)