

07.02.2023

Sl.23

Court No.29

(AD)

(Rejected)

C.R.M. (A) 527 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Beldanga** Police Station Case No.**602 of 2022** dated **07.10.2022** under Sections **325/326/427/307/302/34** of the Indian Penal Code.

And

In the matter of: **Saheb Sk @ Jahirul Hoque**

....petitioner.

Mr. Partha Pratim Das
Mr. Monajit Chakraborty

...for the petitioner.

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

...for the State.

Mr. Tapodip Gupta

... for the de facto complainant.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the police filed charge sheet and, therefore, custodial interrogation of the petitioner is not required. He submits that the petitioner did not play any role in the assault.

State and de facto complainant are represented.

Learned Advocate appearing for the State refers to a statement recorded under Section 164 of the Code of Criminal Procedure.

An eye-witness recorded a statement under Section 164 of the Code of Criminal Procedure. Such eye-witness claims that the petitioner was a part of the mob assaulting the victim. In fact, such eye-witness was also assaulted. A person died in the assault.

In such circumstances, considering the gravity of the offence

and the involvement of the petitioner in the incident, we are unable to grant anticipatory bail to the petitioner.

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

C.R.M. (A) 527 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)