

21.08.2023
SL. 12
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 2804 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Andal** Police Station Case No. **52 of 2023** dated **07.02.2023** under Sections **392/411/397** of the IPC and Sections **25(1B)(a)/35** of the Arms Act.

And

In the matter of: **Maherban Saha alias Sha**

....petitioner.

Mr. Amit Ranjan Roy

...for the petitioner.

Mr. Neguive Ahmed

Ms. Amita Gaur

...for the State.

1. Heard learned Counsel for both the parties.
2. Though basis of implication of the present petitioner is stated to be the statement of three co-accused persons, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner, this being a property offence. There is further material on record to show that the call details of the co-accused persons shows that the present petitioner was there in the vicinity and CCTV footage of the spot speaks up participation of four persons, three having been arrested from the spot and one having fled away from there.
3. Regard being had to such facts and submissions and especially the seriousness of the offence, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 2804 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

