

25.09.2023
SL. 25
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3924 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Manickchak** P.S. Case No. **508 of 2023** dated **08.07.2023** under Sections **441/326/307/302/34** of the IPC read with Sections **25(1)-B(G)/27/35** of the Arms Act and Sections **3/4** of the Explosive Substance Act.

And

In the matter of: **Tabjul Sekh**

....petitioner.

Mr. Rana Mukherjee
Mr. Riddhiman Mukherjee

...for the petitioner.

Ms. Zareen N. Khan
Mr. Ashok Das

...for the State.

1. Heard learned Advocate for both the parties.
2. The memo of evidence as filed by learned Counsel for the State be taken on record.
3. It is submitted that in absence of any overt act of the present petitioner in the alleged crime the instant application for anticipatory bail may be considered favourably.
4. While opposing the prayer for anticipatory bail, learned Advocate for State draws our attention to the statements of the witnesses as well as the memo of evidence as submitted by the I.O. It appears that though the name of the present petitioner does not transpire in the statement of Safikul Islam as recorded under Section 164 Cr.P.C. a co-victim of the alleged incident but there are consistent statements of the witnesses that under leadership of the present petitioner the incident of assault and hurling of bomb took place.
5. From the memo of evidence as placed on behalf of the State, we find at least two similar criminal cases are pending as against the petitioner.

6. Regard being had to the gravity of charge though it may be better case for consideration under Section 439 Cr.P.C., we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 3924 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

