

29.12.2023
Court No.8
Item. 39
**(Suvendu/
Sandip)**

CRM(A) 5753 OF 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Bhatpara Police Station Case No. 616 of 2023 dated 28.08.2023 under Sections 364/326/307/379/34/120B of the Indian Penal Code and Sections 25/27 of the Arms Act corresponding to G.R. No. 7187/2023 pending before the Court of the learned Additional Chief Judicial Magistrate at Barrackpore.

And

In the matter of: Sumit Rajak @ Sumit Shaw

.Petitioner.

Mr. Debasis Kar
Mr. Soumen Ghosh

for the Petitioner.

Mr. Swapan Banerjee
Ms. Rita Datta

for the State.

1. The learned counsel appearing for the petitioner submits that the petitioner was not at all involved with the alleged incident. He further submits that some of the co-accused persons are already on bail. As such, he prays for granting anticipatory bail.
2. The learned PP -in-Charge vehemently opposes the prayer for anticipatory bail and draws attention of this Court to the statement of the victim recorded under Section 164 Cr.P.C. He further submits that the co-accused persons have been granted regular bail whereas the petitioner has preferred anticipatory bail after absconding since long.

3. On going through the Case Diary including the statement of the victim recorded under Section 164 Cr.P.C. wherein it has been stated that the accused had shot her on her legs and thereafter beneath her stomach. As such, the victim sustained two injuries and after sustaining such injuries when the victim tried to flee away the victim was once again shot from behind beneath her knee. As a result of such shot, the victim fell down.

4. Considering the statement of the said victim with regard to the gun shot injuries and the involvement of the petitioner in the alleged crime, the prayer for anticipatory bail is rejected at this stage.

5. CRM(A) 5753 of 2023 is accordingly rejected.

(SUPRATIM BHATTACHARYA, J.)

(HIRANMAY BHATTACHARYYA, J.)