

04.07.2023
Item no.41.
Court No.01.
S. De
(Rejected)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No.467 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 28.06.2023 in connection with Sitai Police station Case No. 45 of 2021 dated 07.04.2021 under Sections 143/326/307/379 of the Indian Penal Code.

And

In the matter of : Haridas Barman & Ors.

.....Petitioners.

Mr. Pronojit Roy,
.....for the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Aniruddha Biswas,for the State.

Heard learned advocate for the petitioner and the learned advocate for the State at length.

It is the case of the petitioners that the present accused petitioners' involvement in the alleged crime is not at all prominent and they have been falsely implicated while opposing the prayer for anticipatory bail.

Learned advocate for the State in course of his submission draws attention of this Court to the injury report of the victim as well as to the statement of the victim as recorded under Section 164 of the Code of Criminal Procedure.

It appears to us from the C.D. that the victim had suffered gunshot injury and in his statement, he has specifically mentioned the names the present accused petitioners as the assailants.

Such being the position, we are not at all convinced to exercise our discretion under Section 438 of the Code of Criminal Procedure in favour of the accused petitioners.

The application for anticipatory bail is, accordingly, rejected.

CRM (A) 467 of 2023 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)