

AD-212
Ct No.01
Jalpaiguri
31.01.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 743 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.12.2022 in connection with Ghoksadanga Police Station Case No. 07 of 2020 dated 09.01.2020 under Sections 147/448/427/323/325/326/307/354/379/506/34 IPC, corresponding to G.R Case No.22 of 2020.

And

In the matter of: Binay Sarkar and others

.... petitioners

Ms. Mousumi Das

... for the petitioners

Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharjee

... for the State

The petitioners contend that the petitioners have been falsely framed in the present case. It is submitted that there is no specific allegation against any of the petitioners in the First Information Report (FIR). The initial complaint also did not contain the names of the petitioners.

Learned counsel for the State, by placing reliance on the FIR and the other documents in the case diary, contends that although initially the specific names of the petitioners were not there, subsequent investigation revealed the names of the petitioners as some of the assailants of the victim. Hence, the names of the petitioners were included in the FIR.

That apart, the nature of the injury is grievous and the grant of anticipatory bail might prejudice the investigation.

Upon going through the materials on record, we are convinced that the petitioners are not entitled to anticipatory bail, in view of the fact that the probability of the petitioners influencing the trial and witnesses cannot be ruled out in view of the nature of the offence which is an assault by 13 persons on the victim resulting in grievous hurt.

As such, CRM (A) 743 of 2022 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)