

02.02.2024
Sl. No.51
akd
[Rejected]

C. R. M. (DB) 331 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2024 in connection with Dakshineswar Police Station Case No.11 of 2023 dated 13.01.2023 under Sections 186/333/353/326/307/34 of the Indian Penal Code read with Sections 25(1-B)(a)/27 of the Arms Act. (G.R. Case No.373 of 2023)

And

In Re: ***Pervez Akhther @ Perwez Akhtar***

... .. Petitioner

Mr. Avik Ghatak
Mr. Fahad Imam
Mr. Shamsheer Ansari

... .. for the petitioner

Mr. Shekhar Barman

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over 300 days. It is further submitted petitioner did not fire at police personnel. He is not an accused in the case of dacoity and does not have criminal antecedents. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits police had gone to a hotel to apprehend miscreants in connection to a dacoity case. Petitioner and others obstructed police in discharge of their duty. One of them fired resulting in gun shot injuries.
3. We have considered the materials on record. Statements of police personnel show petitioner was one of the persons who had obstructed the discharge of their official duty. He was apprehended. Thereafter when the police tried to apprehend another person, he fired at them. Keeping in mind the aforesaid facts which disclose involvement of the petitioner in obstructing discharge of official duties by police personnel and as one of his associates had fired at

in course of the incident, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)