

19.02.2024

Serial no. 06
Anticipatory bail
[Rejected]
Dd

CRM (A) 512 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Budge Budge** Police Station Case No. **218** of **2023** dated **12.07.2023** under Sections **341/326/307/506(ii)/34** of the Indian Penal Code, 1860.
(B. G.R. Case No. 5033/2023)*

-And-

In the matter of : **Umesh Balmiki**

... ..**Petitioner**

Mr. Bikash Ranjan Bhattacharya, sr. adv.

Mr. Uday Sankar Chattopadhyay,

Mr. Rajashree Tah, Advocates

... .. For the Petitioner

Mr. Joydeep Roy,

Mr. Sandip Kundu, Advocates

... ..For the State

Petitioner prays for anticipatory bail.

Learned senior advocate for the petitioner submits that the petitioner was falsely implicated. He draws the attention of the Court to the contents of the two police complaints- one at the behest of the petitioner and the other as against the petitioner. He submits that the petitioner was attacked in the incident. He also points out that the police filed charge sheet without involving the Arms Act.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that a number of persons suffered injuries. At least one person suffered gun shot injury. He refers to the injury reports as well as the statements of the injured recorded under Section 161 of the Criminal Procedure Code and Section 164 thereof. He submits that, although the police filed charge

sheet without incorporating the provisions of the Arms Act, none the less, police applied for filing supplementary affidavit after obtaining requisite sanction in respect thereof from the appropriate authority. Application for grant of such permission is pending.

We perused the materials in the case diary. In an incident of assault, a number of persons suffered injuries. Two police complaints were registered in respect of such incident.

So far as the present police complaint is concerned, we find that at least one person suffered gun shot injury. Such person, recorded a statement both under Section 161 of the Criminal Procedure Code and Section 164 thereof, where, such persons implicate the petitioner in using the firearm to cause such injury to him. His statement stands corroborated by another injured recording a statement under Section 164 of the Criminal Procedure Code.

Given the materials in the case diary, the gravity of the offence and the involvement of the petitioner there, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 512 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)