

06.03.2024
DL-17
Court No.29
(AD)
(Rejected)

C.R.M. (A) 785 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **508 of 2023** dated **08.07.2023** under Sections **147/148/149/326/307/302** of the Indian Penal Code, 1860 read with Sections **25(1B)(a)/27/35** of the Arms Act read with Sections **3/4** of the Explosive Substances Act and adding Section **120B** of the Indian Penal Code. (G.R. Case No.4309 of 2023).

And

In the matter of: **Taimur Sk. alias Taymur Sk & Ors.**
....petitioners.

Mr. Avik Ghatak (Through Video Conference)
Mr. Abhinav Rakshit

... for the petitioners.

Mr. Rana Mukherjee, Ld. APP
Mr. Mirza Firoj Ahmed Begg

... for the State.

Petitioners pray for anticipatory bail on the ground of parity with the other co-accuseds who were granted such facility from time to time by the High Court.

Learned Advocate appearing for the State submits that the co-accuseds who were enlarged on anticipatory bail were not named in the statement recorded under Section 164 of the Code of Criminal Procedure of the eye-witness. So far as the petitioners before us are concerned, all of them are named by the eye-witness who recorded the statement under Section 164 of the Code of Criminal Procedure. Consequently, petitioners cannot be said to be standing on the same footing as that of the other co-accuseds who were enlarged on anticipatory bail from time to time.

One person was murdered.

Others suffered injuries.

Eye-witness recorded statement under Section 164 of the Code of Criminal Procedure implicating all the petitioners before us in the incident of murder.

Other co-accuseds who were granted anticipatory bail were not named in the statement recorded under Section 164 of the Code of Criminal Procedure. Consequently, petitioners cannot be said to be standing on the same footing as that of such co-accuseds who were granted anticipatory bail.

Considering the gravity of the offence and the involvement of the petitioners in the incident as transpiring from the materials in the case diary, we are unable to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

C.R.M. (A) 785 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)