

18.04.2024

DL-10
Court No.29
(AD)
(Rejected)

C.R.M. (A) 1121 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Asansol North** Police Station Case No. **454 of 2023** dated **30.10.2023** under Sections **307/323/325/341/427/34/120B** of the Indian Penal Code, 1860 read with Sections **25/27/35** of the Arms Act, 1959. (G.R. Case No.3052 of 2023)

And

In the matter of: **Joydeb Mondal**

....petitioner.

Mr. Sourabh Chatterjee

Mr. Abishek Banerjee

... for the petitioner.

Mr. Saswata Gopal Mukherji,

Ld. Special Counsel for the CID.

1. Petitioner prays for anticipatory bail.
2. Learned Advocate appearing for the petitioner submits that, in respect of an incident, there was a counter police complaint. In such police complaint this Court granted anticipatory bail on February 5, 2024 passed in CRM (A) 5527 of 2023. He draws the attention of the Court to the recording in such order. He submits that, no person suffered injuries and that, no firearm was seized, as would appear from such order. In the present police case, no person suffered injuries and no firearm was seized.
3. Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, a metallic bullet head along with gunshot remnants was seized from the vehicle. He also points out to the statements recorded under Section 161 of the Code of Criminal Procedure of eye-witnesses. He also points out that, call details recording of the mobile phone of the petitioner places the

petitioner at the time and place of occurrence of the incident.

4. The materials in the case diary suggest that, two persons used firearm. One person was able to shoot the firearm. According to the eye-witness, the bullet missed the person at whom it was fired and hit the vehicle. Bullet head was seized from the vehicle as will appear from the seizure list. Therefore, there are materials to suggest user of firearm in the incident. Eye-witnesses implicate the petitioner as the person who provided the firearm and collected the firearm after its use from the persons who used the firearm.
5. Considering the gravity of the offence and the involvement of the petitioner in the incident, we are unable to grant anticipatory bail to the petitioner.
6. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.
7. **C.R.M. (A) 1121 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)