

22.07.2024
Court No.29
Item No. 10

Aloke

CRM (A) 2149 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kandi P.S. Case No. 632 of 2023 dated 21.10.2023 under Sections 302/34/120B of the Indian Penal Code and Section 25/27 of the Arms Act.

And

In Re: **Ali Hossain Sk. & Anr.**

Petitioners

Mr. Mukunda Lal Sarkar

Mr. Soumik Ganguly

..... For the Petitioners

Ms. Faria Hossain, Id. APP

Ms. Sujata Das

..... For the State

Mr. Rajesh Naskar

..... For the de facto complainant

1. The petitioners pray for anticipatory bail
2. The learned counsel for the petitioners has submitted that the petitioners were falsely implicated and few of the co-accused persons in the meantime have been enlarged on regular bail.
3. The learned counsel for the prosecution has referred to an order passed by a Coordinate Bench on 5th March, 2023 and submits that the Coordinate Bench has rejected the application for anticipatory bail of one Ansar Ali who stands on the same footing as that of the present petitioners.
4. We have perused the statement of the eye witnesses recorded under Section 164 of the Code of Criminal Procedure wherefrom it appears that eye witnesses have ascribed specific role of the petitioners in the commission of offence.

5. It further appears from the postmortem report wherein it is noted bullet injury on the occipital part of the scalp in addition to multiple circular injury on the shoulder and skull.
6. Considering the gravity of the offence and the involvement of the petitioners as transpired from the materials in the case dairy, we are not inclined to grant anticipatory bail to the petitioners.
7. Report filed by the State be kept with the record.
8. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.
9. CRM (A) 2149 of 2024 is, thus, disposed of.

(Soumen Sen, J.)

(Uday Kumar, J.)