

12.09.2024

Court No.29

Item No. 05

Rejected

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CRM (A) 3139 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bankura Police Station Case No. 310 of 2023 dated 05.09.2023 corresponding to G.R Case No. 1262 of 2023 under Sections 326/307/120B of the Indian Penal Code read with Sections 25(1)(a)/27 of the Arms Act.

And

In Re: **Satyendra Ray @ Satendra Roy @ Satna**

Petitioner

Mr. Saswata Gopal Mukherjee

Mr. Sourav Chatterjee

Mr. Soumya Nag For the Petitioner

Mr. Rudradipta Nandy, Ld. APP

Ms. Zareen N. Khan

Mr. Sufi Kamal For the State

1. In view of our earlier order, the Inspector of Police, Bankura Police Station and S.I of the said police station are present in Court.
2. On the earlier occasion, we expressed our surprise with regard to the conduct of the investigating agency in not taking appropriate steps against the present petitioner in respect of incriminating materials found against him. Even today, we do not find any satisfactory reply from them. However, it seems that on 11th September, 2024 a supplementary charge-sheet has been filed in which amongst others the petitioner has been named.
3. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated and submits that if the investigating agency was in possession of the incriminating materials they could have taken prompt action against the petitioner and the conduct

itself shows that there has been sufficient materials to indite the present petitioner. It is further submitted that the petitioner has not been named in the second charge-sheet, however, we find from the copy of the said charge-sheet produced before us that the petitioner has been named in the said charge-sheet.

4. Learned counsel for the State could not offer any plausible and reasonable explanation with regard to the delay on the part of the investigating agency in not taking appropriate steps and filing supplementary charge-sheet with regard to the incriminating materials implicating the petitioner. It is submitted that the second charge-sheet has been filed in the mean time and the materials on the basis of which the supplementary charge-sheet has been filed is produced before this Court. It is further submitted that the petitioner was the mastermind for attempting to assault Saddam.
5. We have perused the case diary. We have carefully read the statement of the witnesses recorded both under Sections 161 and 164 Cr.P.C and taking into consideration the criminal antecedent of the present petitioner, as reveals from the case diary wherefrom it appears that twelve criminal cases are pending against the petitioner and having regard to the fact that incriminating materials are available in the case diary directly implicating the petitioner for the alleged offence, we are not inclined to grant anticipatory bail to the petitioner.
6. Accordingly, the prayer for anticipatory bail of the petitioner is rejected and the same is accordingly disposed of.
7. The personal appearance the Inspector of Police, Bankura Police Station and S.I of the said police station is dispensed with.

8. This order shall be communicated to the Superintendent of Police, Bankura for appropriate action.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Prasenjit Biswas, J)