

02.01.2024
08
Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 4206 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kotwali** Police Station Case No. **315** of **2023** dated **9.4.2023** under Section 341/325/326/307/34 of the Indian Penal Code and added Section 3 /4 of the Explosive Substances Act.

And

In Re : Samsur Sekh & Ors.

..... petitioners

Mr. Ashok Das

Ms. Hasi Jana

....for the petitioners

Ms. Anasuya Sinha

Ms. Mayukhi Mitra

....for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023.

By such order dated October 16, 2023, the petitioners were enlarged on an interim anticipatory bail by the Coordinate Bench.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

We considered the materials in the case diary.

The injured suffered gross lacerated injury over right hand and almost auto amputation of palms and fingers. Disarticulation of right wrist of the victim was done at the hospital. The injuries suffered were classified as grievous.

There are the statements of the eyewitnesses recorded under Section 161 of the Cr.P.C. implicating each of the petitioners before us in the incident. All the petitioners were seen to be carrying lethal weapons including explosives.

Learned advocate appearing for the petitioners submits that, there was a street fight amongst rivals.

The complicity of each of the petitioners in the incident requires investigation.

Moreover each of the eyewitnesses implicate the petitioners in the incident. All the petitioners were seen carrying lethal arms during the incident.

Considering the gravity of the facts and the complicity of the petitioner in the incident as transpired from the materials in the case diary, we are unable to extend the interim anticipatory bail granted to the petitioner on October 16, 2023.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 4206 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

