

03.01.2024

Sl.97

Court No.29

(AD)

(Rejected)

C.R.M. (A) 4430 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No.**464 of 2023** dated **09.07.2023** under Sections **326/307/34** of the Indian Penal Code, 1860, corresponding to G.R. No.3012 of 2023.

And

In the matter of: **Samrat Ghosh & Anr.**

....petitioners.

Ms. Minoti Gomes

Mr. A. Islam

Ms. Roma Roy

... for the petitioners.

Mr. Arijit Ganguly

Mr. Avik Ghatak

...for the State.

Mr. Kaushik Biswas

Mr. Pratyush Ghosh

... for the de facto complainant.

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

By such order, the interim anticipatory bail was granted to the petitioners.

It is submitted at the bar that such order was passed without considering the materials in the case diary and in view of the ensuing puja vacation.

We perused the materials in the case diary.

Victim suffered gunshot injury.

Victim implicates both the petitioners amongst other persons in inflicting the gunshot injury on him. Eye-witnesses'

statement corroborate the version of the injured.

Coordinate Bench while allowing a prayer for anticipatory bail on one of the co-accuseds on August 21, 2023 passed in CRM(A) 3031 of 2023 noted that, the two petitioners before us along with another person fired the shot causing injury to two victims.

In such circumstances, considering the complicity of the petitioners in the incident and the gravity of the offence, we are unable to confirm the interim order dated October 16, 2023.

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

C.R.M. (A) 4430 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)