

07.10.2024

Court No.29

Item No. 13

Rejected

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CRM (A) 3549 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the BharatiyaNagarikSurakshaSanhita, 2023in connection withGoalpokherPolice Station Case No. 13 of 2024 dated 11.01.2024corresponding to G.R CaseNo.105of 2024under Sections 341/325/326/307/302/427/506/34 of the Indian Penal Code read with Sections25(1)(a)/27of the Arms Act.

And

In Re: **Md. TaiyabAlam @ Taiyab**
Petitioner

Mr.Mujibar Ali Naskar
Md. HabiburRahmanFor the Petitioner

Mr. SouvikGangulyFor the State

Mr. NiladriSekharGhosh
Mr. Md. NazarChaudhury
Ms. SoupurnaChatterjee
Mr. SourovMondalFor the Victim

1. Heard the learned counsel appearing for the parties.
2. Learned counsel for the petitioner has taken a plea that the petitioner has been engaged with remuneration for discharging duty at the polling station. However, no satisfactory document could be found from the record nor produced. Moreover, we have directed the Investigating Agency to produce the video clips. It appears from the video clips produced by the Investigating Agency today that the petitioner was present at the place of occurrence.The petitioner could not offer any satisfactory explanation for being present at the place of occurrence and the video clips would show that he was extremely non-challantand did not even try to prevent the physical assault. The deceased was found to be brutally injured with sharp cut weapons.Although, the video does not

show that the petitioner was carrying any weapon and does not complete the entire incident there are incriminating materials and statements of independent witness found in the case diary, which implicates the petitioner of being part of the conspiracy and provoking the physical assault of the deceased. The investigation is at the preliminary stage. On such consideration, we are not inclined to grant anticipatory bail to the petitioner.

3. Accordingly, the prayer for anticipatory bail of the petitioner is rejected and the same is accordingly disposed of.
4. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(SoumenSen, J)

(Uday Kumar, J)