

08.01.2024
ML.10
Court No.29
(AD)
(Rejected)

C.R.M. (A) 4603 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tiljala** Police Station Case No.**75 of 2023** dated **27.03.2023** under Sections **143/147/148/149/283/332/427** of the Indian Penal Code, 1860, read with Sections **3/4** of the Prevention of Damage to Public Property Act, 1984 read with Sections **8/9/15A/15B/15C** of the West Bengal Maintenance of Public Order (Amendment Act), 2017 (Alipur Calcutta General Register Case No.1411 of 2023).

And

In the matter of: **Mahesh Vijay**

....petitioner.

Mr. Abhimanyu Bannerjee
Mr. Arnab Saha

... for the petitioner.

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

...for the State.

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 petitioner.

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.

Learned Advocate appearing of the petitioner submits that two other co-accused were enlarged on anticipatory bail by the

jurisdictional Court. Petitioner owned a shop at the locality. Petitioner was not named in the First Information Report.

Learned Advocate appearing for the State draws the attention of the Court to an order dated May 17, 2023 passed in CRM(A) 2044 of 2023 and submits that prayer for anticipatory bail was turned down in respect of a similar circumstanced person. He submits that the petitioner is named as one of the perpetrators of the crime in statements recorded under Section 161 of the Code of Criminal Procedure.

We perused the materials in the case diary.

Apparently, in an incident, eight police personnel were injured and a vehicle belonging to the police was set on fire.

Petitioner is not named in the First Information Report. However, the name of the petitioner transpires from the statements recorded under Section 161 of the Code of Criminal Procedure. The statements suggest that the petitioner played an active role.

In such circumstances, we are unable to confirm the interim order dated October 16, 2023.

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

C.R.M. (A) 4603 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)