

10.01.2024
Item No.247ML
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4910 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ratua** Police Station Case No. **490/2023** dated **26.08.2023** under Sections **447/427/323/325/307/34** of the Indian Penal Code read with Sections **25(1-B)(a)/27** Arms Act.

And

In the matter of : Baidyanath Ghosh & ors.

..... petitioners

Mr. Jagajyoti Das

....for the petitioners

Mr. Swapan Banerjee,

Mr. Suman De

....for the State

Petitioners pray for anticipatory bail.

Eyewitnesses implicate three petitioners before us in the incident of assault.

Apparently, firearms were also used.

Alibi is sought to be set up on the basis of train ticket.

The alibi is not sufficient simply on the ground that a train ticket can be purchased and not boarded. The train ticket is not conclusive evidence of absence of the petitioners from the place of occurrence particularly in view of eyewitnesses account placing all the petitioners at the time and place of occurrence.

Consequently, we are unable to grant anticipatory bail to the petitioners.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4910 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)