

11.04.2025
Court No.28
Item No.27
ssi

CRM (A) 1178 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with **Margram** P.S. Case No.**81 of 2025** dated **14.03.2025** and G.R. Case No. 608 of 2025 under Sections 303 (2)/317 (2)/317 (4)/317 (5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Riton Sk. @ Saifuddin Sk.**

....Applicant/Petitioner.

Mr. Prosenjit Mukherjee
Mr. Jahangir Hossain
Ms. Tiyasa Ghosh

...for the petitioner.

Mr. Partha Pratim Das
Mr. Saptarshi Chakraborty

...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has been falsely implicated in this case. Reference is made to the record of rights for the place in question from where the recovery was made. It is not owned by the petitioner. The First Information Report states that the seizure list was signed by the accused. One wonders why then the accused were not arrested.

Learned counsel appearing on behalf of the State submits as follows. There are number of statements obtained from independent witnesses who say about the petitioner's selling kerosene and diesel from the shop room from where the seizure was made. The seizure list does not contain the petitioner's signature. It must have been a mistake while recording the FIR, which mentioned that the petitioner had signed the seizure list. The statements of witnesses as well as the memo of evidence show that there is a previous criminal antecedent of the petitioner. Margram Police Station Case No. 243 dated

22.12.2022 was started against him on a similar charges and charge sheet has been submitted.

A petitioner need not necessarily own a place to use it as either his residence or as a shop.

In view of the materials contained in the case diary and the previous criminal antecedent of the petitioner, in as much as, a charge sheet has been submitted against him in a similar case, I am not inclined to grant anticipatory bail of the petitioner.

Accordingly, the application for anticipatory bail is rejected.

(Jay Sengupta, J.)