

25.09.2020

CRM 5791 of 2020

Court No. 8
Item No. 4 (SL)
abhar/bdatta

(Via Video Conference)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Siliguri Police Station Case No. 1008 of 2020 dated 04.08.2020 under Sections 341/325/304/34 of the Indian Penal Code.

	and
In the matter of: Ashok Kumar	... Petitioner
Mr. Soumabha Saha.	for the Petitioner
Mr. Ujjwal Luksom, Mr. Biswaup Roy.	 For the State

The learned advocate for the petitioner submits that the injury suffered by the victim as indicated in the post mortem report does not inspire any involvement of humane as the same may have been the resultant effect in a case of motor accident. It is thus submitted that the alleged story of inflicting fists and blows on the person of the victim is improbable and, therefore, the petitioner should get an immunity from arrest.

The learned advocate appearing for the State opposes the prayer for bail. It is submitted that due to the severe physical assault, victim succumbed to the injury which would be reflected from the post mortem report. He further relies upon the statements recorded under Section 161 of the Code of Criminal Procedure of various persons who have unequivocally stated about involvement of the petitioner.

Considering the submissions advanced before us by the respective counsels and upon perusal of the materials available from the case diary including the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure, we do not think that it is a fit case where the petitioner should get privilege of Section 438 of the Code of Criminal Procedure. Accordingly, the prayer for anticipatory bail is rejected.

The application for anticipatory bail being C.R.M. 5791 of 2020 is dismissed.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)

