

19.11.2020

Court No. 16
Item No. 27
nandy/biswas

CRM 7502 of 2020

with

CRAN 1 of 2020

(Via Video Conference)

(Anti-Bail - Rejected)

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 24.09.2020 in connection with Alipurduar Police Station Case No. 292 of 2020 dated 23.06.2020 under Sections 341/326/307 of the Indian Penal Code.

and

In the matter of: **Sri Rakesh Das**

..... Petitioner

Mr. Arnab Saha, Advocate

.....for the Petitioner

Mr. Nilay Chakraborty, Advocate

Mr. Sagnik Sikdar, Advocate

.....for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within one week of resumption of the normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner says that there was an altercation upon the petitioner complaining of the de facto complainant running a hooch business.

The State says that the petitioner intended to cause grievous injury as the petitioner charged at the survivor with a 'Bhojali', which the survivor managed to dodge but still suffered a superficial stab wound.

The medical report corroborates such position. However, the medical report also indicates that the injury was not as would endanger the life of the survivor. The petitioner seeks to rely on such aspect of the injury report to suggest that there

was no intention to kill nor was there any likelihood of the survivor suffering any further.

The fact that the petitioner attacked the survivor with a 'Bhojali' is enough to indicate the state of the petitioner's mind. In any event, it would be for the prosecution to prove the role of the petitioner at the trial. On the basis of the material now available, the petitioner is not entitled to be left to roam freely in the society. The prayer for anticipatory bail is rejected.

CRM 7502 of 2020 and the interim application are disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J.)