

CRM (A) 467 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Sk. Imdadul Islam**

..... petitioner

Mr. Rana Mukherjee
Ms. Munmun Tewary

.....For the petitioner

Mr. Saibal Bapuli, Ld. APP
Mr. Soumik Ganguli

.....For the State

Apprehending arrest in connection with Burdwan Police Station Case No. 890/2021 dated 24.08.2021 under Sections 341/326/307/354/302/34 of the Indian Penal Code, the present application has been preferred.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that there was a hot altercation between the parties and the petitioner has been falsely implicated. No specific overt act has been attributed to the petitioner. Three co-accused persons, who are similarly situated with the petitioner, have already been granted anticipatory bail. In the said conspectus, custodial interrogation may not be necessary.

Mr. Ganguli, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the medical reports and the statements of the injured lady, namely, Chandana Maji, who is the wife of the deceased as well as the post mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

In the statement of the injured lady, as recorded under Section 164 of the Code, no specific overt act has been attributed to the petitioner. Considering the nature of accusations, the role assigned to the petitioner, the nature of the injuries, to which the victim succumbed, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer for anticipatory bail is refused.

The application being CRM (A) 467 of 2022 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)