

31.03.2022

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Ct. No 29

KAUSHIK
(REJECTED)

C.R.M. (A) 1478 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Lalgola** Police Station Case No. **587** of **2021** dated **04.08.2021** under Sections 448/325/307/302/34 of the Indian Penal Code.

And

In Re : Minarul & Ors.

..... petitioners

Mr. Soumyajit Das Mahapatra

Mr. Subho Pathak

... for the petitioners

Ms. Purnima Ghosh

... for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. The victim died due to road traffic accident. He refers to the injury report of the victim, which he claimed that petitioner obtained from another co-accused. He refers to the orders granting anticipatory bail to two other co-accused passed by the Jurisdictional Court.

Learned advocate appearing for the State submits that, two persons suffered injuries initially. One of the persons succumbed to his injuries later on. She refers to the injury report of the person who succumbed to the injuries. She submits that initially when such person taken to the hospital, the doctor noted that the injuries were the result of physical assault. Such person was, thereafter, taken to the NRS Medical College and Hospital, where the noting is different. She submits that, the other person who survived the assault and was injured, names all of the three persons to be involved in the incident of

assault and murder. She refers to the statement recorded under Section 161 of the Code of Criminal Procedure of such persons.

Apparently, three persons suffered injuries. Both were treated. One of the two victims, however, succumbed to injuries as appearing from the post mortem report of such patient. At the inception when such person was treated, the doctor noted that it was a physical assault. However, the NRS Medical College and Hospital noted that the victim suffered injuries due to road accident. There is a statement recorded by the other injured persons naming all the petitioners to be involved in the assault and murder. The person who died by reason of the injuries suffered during the assault.

Considering the gravity of the offence and the involvement of the petitioners therein, we are unable to enlarge any of the petitioners on anticipatory bail.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 1478 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)