

31.08.2022

17

Ct. No. 29

**KAUSHIK  
REJECTED**

**C.R.M.(A) 4157 of 2022**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1294** of **2022** dated **17.08.2022** under Sections 448/323/325/326/427/506 of the Indian Penal Code, 1860.

And

In Re : Hiru Ghosh

..... petitioner

Mr. Amitava Karmakar

Mr. Arup Kumar Bhowmik

....for the petitioner

Mr. Goutam Wilson

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner stands in a different footing than the other co-accused, whose prayer for anticipatory bail was rejected on August 26, 2022 passed in CRM(A) 4086 of 2022. He submits that, there are no criminal antecedents so far as the petitioner is concerned. The petitioner is scheduled to appear in an examination of Border Security Force tomorrow.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the injury report of the victim, the statement recorded under Section 161 of the Code of Criminal Procedure and the

photographs of the victim as well as the grocery shop, which was ransacked.

There are materials in the case diary which shows ransacking of the grocery shop owned by the victim and assaulting the victim. The injury report of the victim suggests that the victim received cut injury on the scalp.

In view of the gravity of the offence and the involvement of the petitioner therein as appearing from the materials in the case diary, we are unable to grant anticipatory bail to the petitioner.

In such circumstances, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 4157 of 2022 is dismissed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**