

28.10.2022

Vacation Bench
SL No.21
RKB/SB

C.R.M. (A) 5023 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Santipur** P.S. Case No. **73 of 2022** dated **27.01.2022** under Sections **302/34** of the Indian Penal Code.

And

In the matter of: **Somnath Tribedi @ Bappa Tribedi**

...petitioner

Mr. Subir Debnath

Ms. Roma Roy

...for the petitioner

Mr. Madhusudhan Sur, APP

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

...for the State

This is an application for anticipatory bail filed under Section 438 of the Code of Criminal Procedure for the offence under Sections 302/34 of the Indian Penal Code.

Learned advocate appearing on behalf of the petitioner referring to the statement recorded under Section 164 of the Code of Criminal Procedure has submitted that Kartick Santra was succumbed to injuries caused by Lalan Chandra Mandal who assaulted Kartick Santra with bamboo stick.

It is also submitted on behalf of the petitioner that the petitioner was threatened by Kartick Santra with *da*. It is further submitted that the principal accused Lalan Chandra Mandal is already on bail.

It is submitted on behalf of the State that Lalan Chandra Mandal was granted bail under Section 439 of the Cr.P.C. after almost 200 days in custody.

After considering the materials in the case diary along with the statement recorded under Section 164 of the Cr.P.C.,

we cannot rule out the involvement of the petitioner against whom charge has been framed under Section 302/34 of the Indian Penal Code. In the aforesaid view of the matter, prayer for anticipatory bail under Section 438 of the Cr.P.C. stands rejected.

(Bibhas Ranjan De, J.)

(Abhijit Gangopadhyay, J.)