

28.10.2022

rkb/sb

Sl. No. 22

Ct. No. 28

CRM(A) 5039 of 2022

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Salanpur P.S. Case No. 262 of 2021 dated 25.10.2021 under Sections 302/34 of the IPC.

In Re : Upendra Kumar Yadav

..... petitioner

Mr. Ashok Das
Mr. Pawan Kr. Gupta
Ms. Ayana Dey
Ms. Sofia Nesar

..... for the petitioner

Mr. Prsun Kr. Datta
Mr. S. Roy

.....for the State

Learned advocate appearing on behalf of the petitioner submits that this case arose out of an incident happened on 27th September, 2022 while the victim was knocked down by the truck and UD case was started. It is further submitted that on 29th September, 2022 post mortem was conducted over the dead body of the victim and a complaint was filed after one month of the post mortem examination of the victim. It has further been submitted on behalf of the petitioner that the petitioner is owner of the truck. He has no connection with alleged incident in this case.

Learned advocate on behalf of the State submits that victim was driver and he was terminated from the service and he started demanding the dues. Thereafter the owner of the truck hatched the conspiracy to commit murder of that driver on the alleged day of incident. The subsequent driver of the owner that is the petitioner committed the murder of the earlier driver with the help of the truck.

In this case where charge-sheet has already been submitted under Section 302/34 of the IPC.

Learned advocate on behalf of the State has referred to the materials in case diary.

On a careful perusal of the entire materials in case diary, we are not inclined to grant anticipatory bail under Section 438 Cr.PC. to the petitioner.

The prayer for anticipatory bail stands rejected.

(Bibhas Ranjan De, J.) (Abhijit Gangopadhyay, J.)