

22.11.2022

Serial no. 15

[Dd]

(Anticipatory bail)

(Rejected)

CRM (A) 5343 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kolaghat** Police Station Case No. **450** dated **07th September, 2022** under Sections **341/323/324/354/307/506/34** of the Indian Penal Code.

-And-

In the matter of : **Manas Banerjee**

... ..**Petitioner**

Mr. Mohamed Amin,
Mr. Gulam Muztaba, Advocates
... .. For the Petitioner

Mr. Avishek Sinha, Advocate
... ..For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that an co-accused was enlarged on anticipatory bail by the jurisdictional Court after returning a finding that the injuries suffered are simple in nature. The police filed charge sheet and, therefore, custodial interrogation of the petitioner is not required. Consequently, prayer for anticipatory bail should be allowed.

Learned advocate appearing for the State submits that although the injury report claims that the injured suffered simple injury, he refers to the photograph of the injured person and the injury suffered and submits that the injured suffered dismemberment of right ear. Therefore, according to him, those injuries cannot be opined to be simple in nature.

Materials in the case diary suggest that the petitioner was

involved in the assault. The nature of injury suggests that the person suffered grievous hurt.

Consequently, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 5343 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)