

28.11.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 5501 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Belgharia** Police Station Case No. **515** of **2022** dated **14.10.2022** under Sections 304/34 of the Indian Penal Code, 1860.

And

In Re : Nantu Dutta

..... petitioner

Mr. Kallol Mondal
Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar

....for the petitioner

Mr. Saibal Bapuli
Ms. Sayanti Santra

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the victim was admitted for rehabilitation with regard to alcohol abuse in the institute run by the petitioner. The petitioner is the owner. There was an incident between the victim and his employee. The petitioner is not named in the First Information Report. The petitioner was subsequently roped in the statements made by the brother-in-law of the victim.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the post mortem report of the victim. He submits that, there were at least fifteen injuries on the body of the victim

as recorded in the post mortem report. He submits that, the name of the petitioner transpires both in the 161 Cr.P.C. statements as well as under Section 164 Cr.P.C. of eye witnesses.

The post mortem report of the victim notes at least fifteen injuries.

There are several 161 Cr.P.C. statements, which states that the petitioner is one of the person, who assaulted the victim. 164 Cr.P.C. statement of an eye witness implicates the petitioner in the assault. According to such eye witness, the petitioner participated in the assault of the victim.

In view of such materials available in the case diary implicating the petitioner in the assault of the victim, who ultimately died, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 5501 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)