

20.01.2023
Serial no. 11
[Dd]
(Anticipatory bail)
(**Rejected**)

CRM (A) 286 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tamluk** Police Station Case No. **1176** of **2022** dated **31.12.2022** under Sections **447/323/325/308/379/427/506/34** of the Indian Penal Code.

-And-

In the matter of : **Kamal Mahapatra & Anr.**
... ..**Petitioners**

Mr. Amitava Karmakar,
Mr. Arup Kr. Bhowmick, Advocate
... .. For the Petitioners

Mr. Abhra Mukherjee,
Mr. Dipankar Mahata, Advocate
... ..For the State

Mr. Soumya Nag,
Mr. Aditya Tiwari, Advocates
.. ...For the de facto complainant

Two petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the police complaint arose out of property disputes.

State and the de facto complainant are represented.

Learned advocate for the State draws the attention of the Court to the materials in the case diary. He submits that provisions of Section 326 of the Indian Penal Code, 1860 were added.

Learned advocate for the de facto complainant submits that the first petitioner is the member of the Panchayat and is exerting undue influence upon the police authorities.

Injury report suggests that the tooth of the victim was broken. There is a counter police complaint. In the counter police complaint, one person was arrested.

In such circumstances, considering the gravity of the offence and the involvement of the petitioners therein, we are unable to grant anticipatory bail to the petitioners.

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

CRM (A) 286 of 2023 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)