

17.02.2023

10

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 709 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Rejinagar** Police Station Case No. **214** of **2022** dated **24.08.2022** under Sections 341/325/326/307/34 of the Indian Penal Code.

And

In Re : Rafikul Sk

..... petitioner

Mr. Mofakkerul Islam

Mr. Sk. Md. Sakil Ali

Md. Bani Israil

Mr. Julfikar Alam

....for the petitioner

Md. Hafiz Ali

....for the de-facto complainant

Mr. S. S. Imam

Mr. Arabinda Manna

....for the State

Petitioner sets up a defence of alibi.

According to the petitioner, he was travelling by train at the time of the incident and was, therefore, not present at the place of occurrence. In support of the contention that the petitioner was travelling, a train ticket is relied upon.

There is an incident of assault.

The incident, apparently, occurred at 8.30 am in the morning. The ticket is claimed to be purchased at 11.30 hours in the morning. There are statements of eye witness recorded under Section 161 claiming that the petitioner was one of the persons who assaulted the victim.

We are not sure as to whether the petitioner actually traveled by the ticket claimed to be purchased.

In such circumstances, considering the gravity of the offence and the involvement of the petitioner in the incident, 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) 709 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)