

29.03.2023

Serial no. 06

[Dd]

(Anticipatory bail)

(Rejected)

CRM (A) 1073 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Digha** Police Station Case No. **93** of **2022** dated **08.11.2022** under Sections **302/34** of the IPC.

-And-

In the matter of : **Chandan Patra @ Chandan Patar @**
Buddhadev Patra & Anr.

... ..Petitioners

Mr. Sabir Ahmed,
Mr. Biswajit Sarkar, Advocates
... .. For the Petitioners

Mr. Saswata Gopal Mukherji, Id. PP
Mr. Partha Pratim Das,
Ms. Eshita Dutta, Advocate
... ...For the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated. The petitioners rescued the victim and took the victim to the hospital. He submits that there is an appeal pending as against the order of the writ Court dated February 20, 2023 passed in WPA 17570 of 2022.

Learned advocate appearing for the State submits that two persons recorded statements under Section 164 of the Criminal Procedure Code. One of such statement was directed to be expunged by order dated February 20, 2023 passed in WPA 17570 of 2022. Police took steps in terms of the order of the writ Court. Proclamation as against the petitioners was issued. The postmortem report states that the death of the

victim was due to effects of injuries therein ante-mortem in nature.

The postmortem report contains number of external injuries on the body of the victim.

The surviving statement recorded under Section 164 of the Criminal Procedure Code which is of the wife of the victim states that, the victim was assaulted by the number persons which includes the petitioners.

In view of such materials in the case diary, the gravity of the offence and the involvement of the petitioners, we are unable to grant anticipatory bail to the petitioners.

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

CRM (A) 1073 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)