

17.05.2023

Sl.31
Court No.29
(AD)
(Rejected)

C.R.M. (A) 2039 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bagnan** Police Station Case No.**128 of 2023** dated **02.04.2023** under Sections **341/323/325/308/304/506/34** of the Indian Penal Code.

And

In the matter of: **Sk Mahibul**

....petitioner.

Mr. Sabir Ahamed
Mr. Maidul Islam Kayal
Mr. Sumit Naskar

... for the petitioner.

Mr. Tanmoy Kumar Ghosh, Ld. Sr. Government Advocate
Mr. Asraf Mondal

...for the State.

Petitioner prays for anticipatory bail.

There are statements under Sections 164 of the Code of Criminal Procedure of eye-witnesses implicating the petitioner in the incident of assault on the victim.

The post-mortem report of the victim notes that the cause of death could not be ascertained from the primary examination of the deceased.

In such circumstances, since petitioner was involved in an incident of assault which led to the death of a person, it would be inappropriate to grant the petitioner anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 2039 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)