

13.07.2023
ML. 15
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 2404 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hariharpara** Police Station Case No. **191** of **2021** dated **17.05.2023** under Sections **302/34** IPC.

And

In the matter of: **Ruhul Shah**

....petitioner.

Mr. Somnath Adhikary

...for the petitioner.

Mr. Saibal Bapuli, Ld. APP
Mr. Arani Bhattacharyya

...for the State.

1. Heard learned Counsel for the parties.
2. It is submitted by learned Counsel for the State that proclamation issued against the petitioner having already been executed, the present application for anticipatory bail is not maintainable. Further it is submitted by the learned Counsel for the State that there is eyewitness account to implicate the present petitioner.
3. Regard being had to the aforesaid facts and submissions and the quantum of punishment prescribed for the offence, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner.
4. Accordingly, the prayer for the anticipatory bail is rejected.
5. The application being **CRM (A) 2404 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)

