

36 26.04.2023
(AD) Court No.29
(Dismissed)

C.R.M. 6754 of 2019

In Re: - An application under Section 439(2) of the Code of Criminal Procedure, 1973 for cancellation of anticipatory bail.

And

In the matter of: - Fariuddin Sk.

...petitioner.

Mrs. Karabi Roy

... for the petitioner.

Mr. Arijit Ganguly

Mr. Avik Ghatak

... for the State.

An order dated July 3, 2019 granting anticipatory bail to the private opposite parties is under challenge in the present application.

The learned Sessions Court while granting such order took into account the materials in the case diary.

The learned Judge took into account the injury report and returned a finding that the injury sustained did not commensurate with the ingredients under Sections 326/307 of the Indian Penal Code, 1860.

According to the learned Advocate for the petitioner, such finding is perverse.

With deepest of respect, it is a *prima facie* finding and a plausible one also.

Consequently, we are not minded to interfere with the impugned order.

C.R.M. 6754 of 2019 is dismissed accordingly.

(Debangsu Basak, J.)

(Rai Chattopadhyay, J.)

