

07.08.2023
(D/L 48)
Ct. No.29
(Rejected)
(SKB)

CRM (A) 2801 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Gopalnagar P.S. Case No.111 of 2023 dated 24.02.2023 under Sections 448/326/307/34 of the Indian Penal Code corresponding G.R. Case No.472 of 2023.

In the matter of : Gouranga Sarkar and another
... Petitioners

Mr. Arnab Chatterjee
... for the petitioners

Mr. Anwar Hossain,
Ms. Manisha Sharma
... for the State

1. Heard the learned Counsel for the parties.
2. The principal accused who is stated to be the son of the present petitioners is opined to be mentally imbalanced by the medical Board as found from page 19 of this petition. From the statement of the witnesses including the victim under Section 161 Cr.P.C., it is found that the principal accused mounted the assault with a 'dao' (sickle) on the victim while the present petitioners had caught hold of the victim. The victim has been referred to the neuro surgery in view of the seriousness of the injury.
3. Regard being had to the nature of implication so far as the present petitioners are concerned, we are not inclined to exercise our discretion in favour of the petitioners under Section 438 Cr.P.C.
4. Accordingly, the prayer for anticipatory bail is rejected.
5. CRM(A) 2801 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)