

10.08.2023
ML. 176
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 2960 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kushmandi** Police Station Case No. **133 of 2023** dated **06.06.2023** under Sections **341/323/307/506/34** of the IPC.

And

In the matter of: **Sanju Debsharma & Ors.**

....petitioners.

Mr. Mazhar Hossain Chowdhury
Ms. Mobashshara Alam

...for the petitioners.

Mr. Tanmay Kr. Ghosh
Mr. Arindam Sen

...for the State.

1. Heard learned Counsel for both the parties.
2. The petitioners are alleged to have put human stools into the mouth of the victim and thereafter they forcibly put water into the mouth of the victim by catching hold of him. The offence under Section 307 IPC is not made out prima facie, but the action by the petitioners being inhuman and unthought of in a civil society, we are not inclined to exercise our discretion in favour of the petitioners under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 2960 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

