

CRM(A) 3070 of 2023

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murshidabad Police Station Case No. 100 of 2023** dated **07.02.2023** under Sections **341/325/326/307/34** of the Indian Penal Code.

- A n d -

In the matter of : Siju Sk. @ Sirajul Sk. & Anr.
.... Petitioners.

Ms. Chandrima Debnath
... For the Petitioners.

Mr. Prasun Kr. Datta
Mr. Nirupam Dhali
.....for the State

1. Heard learned counsel for both the parties.
2. One Fazlu Rana who is alleged to be the brother of the present petitioner is alleged to have committed the fatal assault on the victim as per FIR. But the statement of the witnesses recorded under Section 161 Cr.P.C. as well as the statement of the victim under Section 164 Cr.P.C. entangle all the co-accused persons including Fazlu Rana.
3. In view of the seriousness of the offence and the nature of injury(30% to 40% burn injury by hot edible oil) sustained by the victim, we are not inclined to exercise our discretion under Section 438 of Cr.P.C. in favour of the petitioners.

4. Accordingly, prayer for anticipatory bail of petitioner is rejected.
5. The application being CRM (A) 3070 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)