

23.08.2023
ML. 346
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3151 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bagnan** Police Station Case No. **584 of 2022** dated **05.11.2022** under Sections **448/323/325/308/354/379/506/34** of the IPC and adding Section **304** IPC.

And

In the matter of: **Prabesh Molla @ Parvesh Molla**

....petitioner.

Mr. Somnath Adhikary
Mr. Shraman Sarkar

...for the petitioner.

Mr. Rudradipta Nandy, APP
Mr. Subrato Roy

...for the State.

1. Heard learned Counsel for both the parties.
2. From the statement of the witnesses recorded under Sections 161 and 164 Cr.P.C. it is found that the present petitioner and others assaulted the family members of the informant including the deceased by iron rod, etc. The deceased being an old lady suffered from cardiac arrest/brain haemorrhage as a result of assault over her scalp and at the time of filing of charge-sheet offence under Section 304 IPC has been added against the petitioner though investigation was taken up for offence under Section 308 IPC.
3. Regard being had to the seriousness of offence and the part played by the present petitioner in the entire transaction, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 3151 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

