

11.10.2023
SL. 17
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 3577 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raghunathganj** Police Station Case No. **655** of **2023** dated **04.08.2023** under Sections **302** IPC.

And

In the matter of: **Noor Mahammad Sk.**

....petitioner.

Mr. Pravas Bhattacharya
Mr. Mirza Firoj Ahmed Begg
Ms. Rita Patra

...for the petitioner.

Mr. Binay Panda
Ms. Puspita Saha

...for the State.

1. Heard learned Counsel for the parties.
2. The case involves murder. There are eyewitness accounts regarding the incident. It is found from the statements of the eyewitnesses that following a verbal altercation between the petitioner, who is a toto driver and the deceased over fare, physical tussle ensued, resulting in use of abusive language by the petitioner. When the deceased confronted the petitioner about use of abusive language, the petitioner bringing out a ranch (iron spanner) from the toolbox of the toto started assaulting the deceased on this face and chest. He, thereafter, grounded him and used the toto as a weapon of offence to run over him. As a result of which the toto capsized.
3. From the materials on record, it is found that the petitioner has acted in a brutal manner.
4. Regard being had to the gravity of the offence, we are not

inclined to exercise our discretion under Section 438 Cr.P.C.
in favour of the petitioner.

5. Accordingly, the prayer for anticipatory bail is rejected.
6. The application being **CRM (A) 3577 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

