

01.09.2023
SL. 10
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 3598 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nabadwip** Police Station Case No. **194** of **2023** dated **18.04.2023** under Sections **448/325/326/308/304/379/506/34** IPC.

And

In the matter of: **Subhankar Debnath @ Subha & Anr.**
....petitioners.

Mrs. Karabi Roy
...for the petitioners.

Mr. Neguive Ahmed, Ld. APP
Ms. Ayantika Ray
... for the State.

1. Heard learned Counsel for the parties.
2. On perusal of the post mortem report of the victim, it reveals that out of 11 injuries as found in the person of the deceased at least 6 injuries are on the vital parts of the body and those are indicative of causing death of the deceased.
3. From the materials as placed before us, it reveals that the deceased sustained such injuries during a free fight between two groups wherein the involvement of the present petitioners are found *prima facie* prominent from the statements of the witnesses recorded under Section 161 Cr.P.C. as well as from the other materials as collected by the I.O. in course of investigation.
4. Though investigation is stated to have been completed in the meantime, but considering the seriousness of the crime and the *prima facie* involvement of the present petitioners, we are not inclined to exercise our discretion in favour of the

petitioners under Section 438 Cr.P.C.

5. Accordingly, the prayer for anticipatory bail is rejected.
6. The application being **CRM (A) 3598 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

