

03.10.2023
SL. 48
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3979 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kaliachak** Police Station Case No. **474 of 2023** dated **22.04.2023** under Sections **341/326/307/302/34** of the IPC and adding Sections **109/120B** of the IPC.

And

In the matter of: **Refak Sk @ Rekab Sk @ Rakeb Sk & Anr.**

....petitioners.

Mr. Biswajit Tiwari

...for the petitioners.

Mr. Madhusudan Sur

Mr. Manoranjan Mahata

...for the State.

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

...for the de facto complainant.

1. Heard learned Advocate for both the parties.
2. The present occurrence happened on 21.04.2023 following an altercation between some members of the prosecution party and defence party on 24.04.2023. On the date of occurrence the members of the prosecution party (five in numbers) were called near the mosque. There they were assaulted by sharp cutting weapons (hasua) and other weapons. Two persons died at the spot and two suffered injuries. So far as the present petitioners are concerned it is alleged that the alleged principal accused Mahaboob Sk is the nephew of the present petitioners who are husband and wife. Both the present petitioners are alleged to have brought 'hasua' to the spot in a concealed condition and they are alleged to have supplied those weapons to the principal accused and others accused persons. There is also statement to the effect that they (petitioners) also took some part in the assault.
3. Taking into consideration such material on record and the

fact that lives of two persons have ceased to be at the spot and two have suffered serious injuries, 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) 3979 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

