

05.10.2023

SL. 12

Court No. 29

Sourav

(Rejected)

C.R.M. (A) 4058 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Beldanga** Police Station Case No. **759** of **2022** dated **07.12.2022** under Sections **325/326/302/34** IPC (corresponding to G.R. Case No. 5385 of 2022).

And

In the matter of: **Md Sirajul Islam @ Sirajul Sk**

....petitioner.

Mr. Soumajit Das Mahapatra

Mr. Ali Ahasan Alamgir

Ms. Soma Mal

Ms. Rabia Khatoon

...for the petitioner.

Mr. Swapan Banerjee

Mr. Anindya Sundar Chatterjee

...for the State.

1. Heard learned Counsel for the parties.
2. It is submitted on behalf of the petitioner that the incident as involved in the instant case arises out of a neighbour dispute over throwing of garbage wherein the present petitioner has got no role in the alleged crime.
3. We have perused the post mortem report of the victim wherefrom we have noticed four lacerated wounds over the head of the deceased causing fracture of right temporal bone.
4. The present petitioner is named in the FIR and from the statements of the witnesses as recorded under Section 161 Cr.P.C., we find that there are consistent statements of the witnesses that the present petitioner assaulted the victim by a crowbar.
5. Considering the gravity of the offence and the involvement of the of the present petition in the alleged crime, we are not

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

6. Accordingly, the prayer for anticipatory bail is considered and rejected.
7. The application being **CRM (A) 4058 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

