

06.10.2023
D/L 29
Ct. No.29
(Rejected)
(SKB)

CRM (A) 4086 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Nowda P. S. Case No.173 of 2023 dated 25.05.2023 under Sections 449/376/325/307 of the Indian Penal Code (G.R. Case No.2338 of 2023).

In the matter of : Rafikul Sk

... Petitioner

Mr. Omor Faruk Gazi,
Mr. Dipankar Das,
Ms. Indrani Roy,
Mr. S. Sarkar

... for the petitioner

Mr. Arnab Chatterjee,
Mr. Anisur Rahaman,
Ms. Dhanasree Biswas,
Ms. Poulami Bose

... for the defacto complainant

Mr. Madhusudan Sur, Id. APP
Mr. Manoranjan Mahata

... for the State

1. Heard learned advocates for the parties.
2. The incident as involved in the instant case arises on account of a village dispute over construction of a village road. On perusal of the post-mortem report of the deceased, it appears that the deceased prior to his death suffered multiple grievous injuries on his head which resulted in his death. From the statement of the victim recorded under Section 164 Cr.P.C., we find mention of the name of the present petitioner along with other co-

accused persons who had mounted the fatal assaults upon the victim.

3. Considering the grievous nature of injuries and the gravity of offence, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner.
4. Accordingly, the prayer for anticipatory bail is rejected.
5. CRM(A) 4086 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)