

CRM 10243 of 2019

In re: An application under Section 439 (2) of the Code of Criminal Procedure.

- A n d -

In the matter of : Arjun Kumar Ghosh

.... Petitioner.

Mr. Kunal Ganguly,

... For the Petitioner.

Mr. Abhra Mukherjee

Mr. D. Mahata,

... for the State.

The petitioner seeks cancellation of the order granting anticipatory bail by the Sessions Court passed on October 21, 2019 in Criminal Misc. Case No. 2504 of 2019.

Learned Advocate appearing for the petitioner submits that the petitioner suffered grievous injury. In support of such contention, he relies upon various medical documents. He submits that the petitioner was admitted in the hospital for 20 days and underwent operation. The learned Sessions Court granting anticipatory bail to the private opposite party did not consider such aspect. Therefore, the impugned order is perverse.

Learned Advocate appearing for the State draws the attention of the court to the materials in the case diary.

By the impugned order dated October, 21, 2019, the learned Judge recorded that he perused the case diary and found that, the injury was apparently caused due to falling from height. He also found that the injury was simple in nature.

There are materials in the case diary suggesting that the petitioner fell down after an altercation with the certain persons and suffered injuries. There are also materials in the case diary suggesting that the petitioner suffered injuries because of throwing of stones.

The learned Judge proceeded on the basis that the petitioner fell down from height and suffered the injury. Such view is a plausible view taken on the basis of the materials in the case diary.

Although, the view taken by the learned Trial Judge that the injury was simple in nature may be ultimately found to be misplaced, the view that the injury suffered may be due to falling from height, is a plausible view.

In such circumstances, we do not find any reason to interfere with the impugned order. The impugned order cannot be said to be perverse.

In such circumstances, CRM 10243 of 2019 is dismissed.

(Md. Shabbar Rashidi, J.)

(Debangsu Basak, J.)