

14.12.2023
ML. 71
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 4706 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Harirampur** Police Station Case No. **90 of 2014** dated **09.08.2014** under Sections **302/34** IPC corresponding to G.R. Case No. **698 of 2014**.

And

In the matter of: **Laxmi Tudu @ Lakshmiram Rudu**

....petitioner.

Ms. Jeenia Rudra

...for the petitioner.

Mr. Partha Pratim Das

Ms. Eshita Dutta

...for the State.

1. Heard learned Counsel for both the parties.
2. Though an initial objection was raised by learned Counsel for the State to the effect that the proclamation under Sections 82 and 83 Cr.P.C. has been issued on 07.10.2023, the said objection is negatived in view of the fact that the present petition for anticipatory bail has been filed on 06.10.2023.
3. Coming into merit of the case it is found that the eye witnesses in their statement recorded under Sections 161 and 164 Cr.P.C. has specifically implicated the present petitioner so far as the overt act of fatal assault is concerned.
4. Regard being had to the seriousness of the charge and the quantum of punishment prescribed, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 4706 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

