

14.12.2023
ML. 74
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 4724 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Nowda** Police Station Case No. **173 of 2023** dated **25.05.2023** under Sections **325/326/302/34** IPC corresponding to G.R. case No. **2338 of 2023**.

And

In the matter of: **Ruhul Sk & Ors.**

....petitioners.

Ms. Sabana Hasin

...for the petitioners.

Mr. Binay Panda

Mr. Subham Bhakat

...for the State.

Mr. Arnab Chatterjee

Mr. Anisur Rahaman

...for the de facto complainant.

1. Heard learned Advocate for both 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 petitioners 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 in favour of the petitioners under Section 438 Cr.P.C.
4. Accordingly, the prayer for the anticipatory bail is rejected.
5. The application being **CRM (A) 4724 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

