

D/L 218
February 7, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 30 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 04.01.2023 in connection with Bhaktinagar Police Station Case No. 1196 of 2022 dated 05.11.2022 under Sections 341/506/324/307/379/34 of the Indian Penal Code, 1860.

And

In the matter of: Mani Chandra Das @ Mani Das

.... petitioner

Mr. Sudip Guha

... for the petitioner

Mr. Ujjwal Luksom,
Mr. Dhman Sil

... for the State

Learned counsel for the petitioner contends that the injury report does not corroborate the case of the complainant. That apart, nothing substantially has been shown against the petitioner for the purpose of taking the petitioner in custody.

Learned counsel for the State opposes the prayer for anticipatory bail of the petitioner.

We find from the submissions and the records that the charge-sheet has not yet been filed in the matter. Since the tenor of the allegation is that the petitioner attempted to cut the throat of the victim, but missed the same and bruises were inflicted on the ear-lobe of the victim, it would not be entirely out of place to implicate the

petitioner on the basis of the medical report, which indicates injury to the ear lobe.

In any event, we do not intend to enter into the merits of the allegations, since it is premature to do so. However, in the circumstances, we are not inclined to grant anticipatory bail to the petitioner.

Accordingly, CRM(A) 30 of 2023 is dismissed.

However, in the event the petitioner surrenders and seeks bail before the jurisdictional court, the said court shall consider such prayer independently without being influenced in any manner by any of the observations made herein.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)