

**In the High Court at Calcutta
Circuit Bench At Jalpaiguri
Appellate Side**

28.02.2023
19
sdas
rejected

C.R.M. (A) No. 91 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sitalkuchi Police Station Case No. 56 of 2022 dated 20.03.2022 under Sections 447/341/325/326/307/34 of the Indian Penal Code with added Section 302 of the Indian Penal Code.

And

In Re : Majibul Mia @ Majibul Miah petitioner

Ms. Swarnali Ghosh

... for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Kallol Nag

... for the State

Learned Counsel for the petitioner submits co-accuseds have been granted anticipatory bail. He prays for similar relief.

Learned Counsel for the State opposes the prayer for anticipatory bail and submits petitioner is the principal assailant.

We have considered the materials on record. Statement of witness under Section 164 of the Code of Criminal Procedure show petitioner is the principal assailant. Victim succumbed to his injuries. Keeping in mind the gravity of the offence and the principal role played by the petitioner and as he does not stand on the same footing with the co-accuseds who have been

granted anticipatory bail, we are of the opinion this is not a fit case to grant anticipatory bail to him.

The application for bail is, thus, rejected.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)