

30.01.2024
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Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 230 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Lalgola** Police Station Case No. **352 of 2023** dated **19.08.2023** under Section **341/323/324/325/326/307/354/427/34** of the Indian Penal Code with added Section 304 of the Indian Penal Code.

And

In Re : Bulbul Sk
..... petitioner

Mr. Soumyajit Das Mahapatra
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. J. Modak
Mr. Juel Rana
...for the petitioner

Mr. Dipankar Mahata
...for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was not present at the place of occurrence. He relies upon train tickets in support of such contention. Petitioner is not named as an assailant in the FIR.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

There are statements recorded under Section 164 of the Cr.P.C. of eyewitnesses who implicate the petitioner in an incident of assault. Such eyewitnesses state that the petitioner

participated in the incident of assault which led to the death of a person.

Alibi at this stage need not be considered in its finality.

Since eyewitnesses place the petitioner at the time and place of occurrence and ascribe an active role in the incident of assault which led to death of a person, we deem it appropriate not to grant anticipatory bail to the petitioner and the prayer for anticipatory bail of the petitioner is rejected.

The application being **CRM (A) 230 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)