

01.02.2024
02
Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 299 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tamluk** Police Station Case No. **89 of 2023** dated **02.02.2023** under Section **354/326/307/34** of the Indian Penal Code subsequently Charge Sheet bearing No. 282 of 2023 dated 31.03.2023 under Sections 354/307/506/34 of the Indian Penal Code.

And

In Re : Amal Middya

..... petitioner

Md. Sabir Ahmed
Mr. Tasnim Ahamed
Mr. Dhiman Banerjee
...for the petitioner

Mr. Partha Pratim Das
Mr. Anindya Sundar Chatterjee
...for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the police filed charge sheet. No overact can be attributed to the petitioner. Co-accused was enlarged on bail by the Coordinate Bench.

Learned advocate appearing for the State submits that two persons suffered injuries. He refers to the injury report. He also refers to an order dated May 2, 2023 passed in C.R.M. (DB) 1788 of 2023 rejecting the prayer of bail of the co-accused, namely Nitai Pramanik.

Two persons received injuries in an incident of assault. Both received injuries on the neck which the Coordinate Bench while rejecting the prayer for bail of the Nitai Pramanik observed to be life threatening.

One of the injured stated that the person who assaulted her and the other injured was unknown to her.

Co-accused was identified in Test Identification Parade.

Incident of assault is serious. The involvement of the petitioner therein cannot be overlooked. Requirement of Test Identification parade is present.

Considering the gravity of the offence and the involvement of the petitioner therein, we are unable to grant anticipatory bail to the petitioner and the prayer for anticipatory bail of the petitioner is rejected.

The application being **CRM (A) 299 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)