

28.02.2024

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Ct. No. 29

S.D.

REJECTED

C.R.M.(A) 690 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **590 of 2023** dated **01.10.2023** under Sections **448/323/325/326/307/34** of the Indian Penal Code.

And

In Re : **Tohida Bibi & Anr.**

..... petitioners

Md. Hafiz Ali

...for the petitioners

Mr. Saibal Bapuli

Ms. Rita Datta

...for the State

Learned advocate appearing for the petitioners submits that, the petitioners are ladies.

Police filed charge sheet and, therefore, custodial interrogation of the petitioners are not required. She submits that, the petitioners before us are not the principle assailants.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, injured eyewitness and other eyewitnesses stated that the petitioners were involved in the incident of assault leading to the victim being murdered by smashing his head.

Apparently, in an incident of assault, a person suffering the injuries succumbed to it. Police filed charge sheet *inter alia* under Section 302 of the Indian Penal Code, 1860 *inter alia* against the petitioners before us.

Injured eyewitness as well as other eyewitnesses placed the petitioners at the place and time of occurrence. They ascribed active role to the petitioners in the incident of assault leading to the murder.

In such circumstances, we are unable to grant anticipatory bail to the petitioners and the prayer for anticipatory bail is rejected.

The application being **CRM (A) 690 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)