

30.04.2024
Item No.17
Ct. No. 29
CHC
Rejected

C.R.M.(A) 1516 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Titagarh** Police Station Case No. **77** of **2024** dated **24.02.2024** under Sections **498A/307/354A/34** of the Indian Penal Code and Section **4** of the Dowry Prohibition Act.

And

In the matter of : Biraj Kumar Upadhyay

..... petitioner

Mr. Manas Kumar Das

....for the petitioner

Md. Adil Badr, Jr. Govt. Advocate

Ms. Purnima Ghosh

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, police complaint was filed 15 years after marriage. There is a pending proceeding for divorce filed earlier in point of time.

Learned advocate for the State draws the attention of the Court to the materials in the Case Diary including the statement of the son of the de facto complainant as well as the statement of the neighbor.

Apparently, on a particular date, the petitioner entered into flat and assaulted de facto complainant and tried to smother her to death by using a pillow. Son was present who intervened. Son cried out for help. Petitioner left the place. The

incident as narrated by the son of the victim stands corroborated by the statement of the neighbor who intervened.

Considering the gravity of the offence and the involvement of the petitioner in the incident, we are unable to grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 1516 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)