

15.5.2024
Court No.08
Item No. 02
Rejected
ar

CRM (A) 1645 of 2024

In Re:- An application for bail under Section 438 of the Code of Criminal Procedure in connection with Kandi Police Station Case No. 479 of 2023 dated 14.08.2023 corresponding to G.R. No. 1543 of 2023 under Sections 498A/313/511/325/34 of the Indian Penal Code.

And

In Re: **Saddabur Sheikh @ Sk.**

Petitioner

Mr. Manas Kumar Das

Mr. Aritra Kumar Thokdar

For the petitioner

Mr. Sujoy Sarkar

For the State

1. We have heard the learned counsel appearing for the parties.
2. Learned counsel for the petitioner submits that on the date of incident he was not present and he has been falsely implicated in the instant case.
3. It is further submitted that the present petitioner is similarly circumstanced as that of the other accused persons, who have been granted anticipatory bail.
4. Learned counsel for the State in opposing the prayer of anticipatory bail has referred to the statement of the victim, the injury report and the opinion of the Doctor.
5. Considering the materials available in the case diary and having regard to the statement of the victim and the injury report, we find sufficient incriminating materials as against the present accused petitioner.
6. In view of such, we are not inclined to exercise our discretion under Section 438 Cr.P.C in favour of the present petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.
8. CRM (A) 1645 of 2024 is accordingly, disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J)

(Uday Kumar, J)