

20.05.2024
Item No.14
Ct. No. 29
CHC
Rejected

C.R.M.(A) 1659 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mahishadal** Police Station Case No. **413** dated **09.07.2023** under Sections **341/323/324/307/506/34** of the Indian Penal Code.

And

In the matter of : Sk. Usiyar & ors.

..... petitioners

Mr. Bibaswan Bhattacharya,

Mr. Anupam Bar

....for the petitioners

Mr. Prasun Kumar Dutta, Ld. A.P.P.

Ms. Trina Mitra

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, in respect of the same incident there is a counter police complaint. In respect of the counter police complaint, accused were enlarge on anticipatory bail. In this regard, he refers to the order dated April 10, 2024 passed in CRM(A) 1096 of 2024 passed by the co-ordinate Bench.

Learned advocate appearing for the State submits that, so far as the present police case is concerned, prayer for anticipatory bail were rejected of other co-accused. In such context, he refers to the order dated April 22, 2024 passed in CRM(A) 1346 of 2024.

We are bound by our order dated April 22, 2024 passed in CRM(A) 1346 of 2024. The petitioners before us are named in the statement recorded under Section 161 of the Criminal Procedure Code which implicates the other co-accused whose prayer for anticipatory bail was rejected by the order dated April 22, 2024.

The petitioners stands implicated in an incident of assault where iron rod, sharp cutting weapons were used.

The injuries vary from deep cut injuries on the head to other wound on the body so far other police case is concerned, the coordinate Bench felt that the persons therein exercised their right of private defence. Such finding cannot be returned so far as the present petitioners are concerned.

In such circumstances, we are unable to grant anticipatory bail to the petitioners.

This application for anticipatory bail is, thus, rejected.

CRM(A) 1659 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)