

04.07.2024

Court No.29

Item No. 29

Rejected

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CRM (A) 2108 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 1091 of 2023 dated 13.10.2023 corresponding to G.R. Case No. 3327 of 2023 under Sections 363/365/34/364/364A the Indian Penal Code.

And

In Re: **Rajesh @ Abdul Reza @ Abdul Reja @ Rajesh Ali**

Petitioner

Mr. Kallol Mondal

Mr. Krishan Ray

Mr. Souvik Das

Mr. Sourav Mukherjee

Mr. Anamitra Banerjee

Mr. Saptarship Pakrashi

For the Petitioner

Mr. Rudradipta Nandy

Ms. Nandini Chatterjee

For the State

1. Mr. Kallol Mondal, learned counsel appearing for the petitioner submits that the statement recorded under Section 161 Cr.P.C did not mention the name of the petitioner, though he was known to the de-facto complainant as well as the victim. It is submitted that the petitioner has been falsely implicated in the instant case.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement recorded under Section 161 Cr.P.C and under Section 164 and submits that in the latter submission the victim has specifically mentioned the name of the petitioner, who claimed to have assaulted the victim. The medical report is placed before us, wherefrom it appears that the injury is severe in nature and the medical officer mentioned it as dangerous.
3. Considering the materials available in the case diary and having regard to the fact that in the statement recorded under Section 161 Cr.P.C the name

of the petitioner specifically mentioned, who claimed to have assaulted him with bamboo stick, we are not inclined to grant anticipatory bail to the petitioner.

4. Accordingly, the prayer for anticipatory bail of the petitioner is rejected and the same is accordingly disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)