

Court No. 29
(266041)

CRM (A) 2578 of 2024

31.07.2024
(AD 33)
(S. Banerjee)

(Rejected)

In re: ^e An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Penro Police Station Case No. 28 of 2021 dated 07.04.2021 (previously Amta Police Station Case No. 148 of 2017 dated 01.04.2017) under Sections 302/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah.

And

In the matter of: **Asit Dalui**

...petitioner

Mr. Milon Mukherjee, Sr. Advocate
Mr. Abhijit Kumar Adhya

... for the petitioner

Mr. Debasish Roy, Ld. P.P.
Mr. Sandip Chakraborty
Ms. Debadrita Mondal

... for the State

1. We have heard Mr. Milon Mukherjee, learned senior advocate, appearing for the petitioner.
2. The case was initially registered in the year 2017.
3. It is submitted on behalf of the petitioner that the petitioner was not aware of the police case as it was initially instituted at Amta Police Station and thereafter in 2021 it was registered at Penro police station. The charge-sheet was filed on 20th June, 2024. It was only thereafter the petitioner became aware of the present proceeding.
4. It is submitted that the post-mortem report would suggest that the nature of injury which, as such, cannot result in death.

5. Learned counsel for the State has produced the case diary and in opposing the prayer has referred to the statement of the wife of the victim and his son and also the post-mortem report.
6. Considering the materials available in the case diary and the statement of the wife of the victim and the son directly implicating the petitioner for the alleged offence and having regard to the fact that the assault has ultimately resulted in death of the deceased and having regard to the gravity of the offence and the period of absconsion, we are not inclined to grant anticipatory bail to the petitioner.
7. Accordingly, the application for anticipatory bail is rejected.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)