

02.01.2024

Sl.23

Court No.29

(AD)

(Rejected)

C.R.M. (A) 4228 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dhubulia** Police Station Case No.**1296 of 2022** dated **02.08.2022** under Sections **341/323/325/34** of the Indian Penal Code and added Sections **326/307** of the Indian Penal Code.

And

In the matter of: **Mabarak Hossain Sk. @ Mobarok Hossain & Anr.**

....petitioners.

Mr. Anirban Mitra
Mr. Amit Halder
Mr. Amit Roy
Ms. Madhumita Sadhukhan

... for the petitioners

Mr. P.K. Data, Ld. APP
Mr. Santanu Deb Roy

...for the State.

Mr. Dipanjan Chatterjee
Mr. Snehanshu Majumder

... for the de facto complainant.

The petition is taken up for consideration subsequent to the order dated October 16, 2023.

By such order, the petitioners were enlarged on interim anticipatory bail.

It is submitted at the bar that such order was passed without considering the materials in the case diary in view of the ensuing puja vacation.

We considered the materials in the case diary.

We find that the victim suffered grievous hurt in the nature of acute traumatic subdural hematoma on the left parietal region with fracture to parietal skull vault.

The injured implicates the petitioners in the assault.

Considering the gravity of the offence and the involvement of the petitioners therein as transpiring from the materials in the case diary, we are unable to extend the interim anticipatory bail granted to the petitioners on October 16, 2023 or grant them anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

C.R.M. (A) 4228 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)