

03.01.2024
Item No.12
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4267 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Basanti** Police Station Case No. **678** of **2023** dated **09.08.2023** under Sections **341/325/326/307/34** of the Indian Penal Code.
And

In the matter of : Tahid Sekh

..... petitioner

Ms. Paulomi Banerjee
....for the petitioner

Mr. Binay Panda,
Mr. Subham Bhakat
....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

Learned advocate appearing for the petitioner submits that, two other co-accused were granted bail by the jurisdictional Court. He submits that, petitioner stands on the same footing.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary.

We perused the materials in the Case Diary. We find that, the injured suffered cut injuries on the neck.

It is submitted on behalf of the State that the injured is presently at Vellore undergoing treatment in respect of the injuries suffered in the attack.

We find that, there is a statement of an eyewitness recorded under Section 164 of the Criminal Procedure Code where, such eyewitness names the petitioner before us as one of the assailant who inflicted the blow on the victim by a sharp cutting weapon.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the Case Diary, we are unable to extend interim order granted on October 16, 2023 or grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4267 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)