

03.01.2024

Serial no. 63

Anticipatory bail

[Rejected]

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CRM (A) 4367 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Nandakumar** Police Station Case No. **386** of **2022** dated **22.10.2022** under Sections **323/341/307/506/34** of the Indian Penal Code, 1860.
(G.R. Case No. 3109/2022)*

-And-

In the matter of : **Sk. Rahaman Ali**

... ..**Petitioner**

Mr. Masud Karim,
Md. Nauroz Rahber,
Mr. Muhammad Jawwid, Advocates
... .. For the Petitioner

Mr. S. S. Imam,
Mr. Sk. Arif Hossain, Advocates
... ...For the State

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary.

Learned advocate appearing for the petitioner submits that, there is a previous police complaint. The present police complaint is a counter-blast.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary and submits that two persons were injured with one suffering grievous hurt in the nature of fracture of the arm.

We find from the materials in the case diary that two persons were injured in an incident of assault. One person suffered fracture in the arm. He recorded a statement under Section 161 of the Criminal Procedure Code where, he identifies the petitioner as one of the assailants.

Considering the complicity of the petitioner in the incident of assault which resulted in grievous hurt to the injured, we are unable to confirm the interim order granted on October 16, 2023 or grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 4367 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)