

03.01.2024
Item No.68
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4376 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **288/2023** dated **06.06.2023** under Sections **341/325/326/307/354B/379** of the Indian Penal Code.
And

In the matter of : Tinku Karmakar @ Tinku Das
..... petitioner

Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Tanmoy Kr. Ghosh, Ld. S.G.A
Ms. Sonali Bhar
....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 draws the attention of the Court to the order of the jurisdictional Court rejecting the prayer for anticipatory bail of the petitioner. He submits that, the petitioner was falsely implicated.

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

The injury report of the injured states that, the injured was assaulted by the petitioner.

The victim recorded a statement under Section 161 of the Criminal Procedure Code and implicates the petitioner in the assault.

The injured suffered injury on the spatio temporal subdural.

Injured was admitted under Neuro Surgeon. Injured was assaulted by a crowbar (sabol).

Considering the gravity of the offence and the involvement of the petitioner in the incident, we are unable to extend the interim order of anticipatory bail granted on October 16, 2023 or grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4376 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)