

04.01.2024
09
Ct. No. 29
S.D.

C.R.M.(A) 4390 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **557** of **2023** dated **8.7.2023** under Section 325/326/307/34 of the Indian Penal Code.

And

In Re : Padmalal Baidya & Anr.

..... petitioners

Mr. D.N. Chatterjee
Mr. R.K. Biswas
Mr. Santanu Mondal

....for the petitioners

Mr. S.S. Imam
Mr. R. Jana

...for the State

Mr. Kushal Kumar Mukherjee
Mr. Surajit Basu
Mr. Pranidhi Singh

..for the defacto-complainant

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 by the Coordinate Bench.

By such order dated October 16, 2023, the petitioner was enlarged on an interim anticipatory bail.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

Learned advocate appearing for the petitioner submits that the petitioner no. 1 is 80 years of age. He submits that, a free fight took place.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including injury report, photographs of the injury suffered and the statements recorded under Section 164 Cr.P.C. of the eye witnesses.

Defacto-complainant is represented.

We perused the materials in the case diary.

We find that 13 persons received injuries. Some of the injuries were classified as grievous injuries are on the head, arm and chest of the victim. Injuries on the head required stitches to be administered.

Eye witnesses account recorded statement under Section 164 Cr.P.C. implicate both the petitioners in the offence.

Considering the gravity of the offence and the involvement of the petitioners therein as transpired from the materials in the case diary, we are unable to confirm the interim order dated October 16, 2023 or grant anticipatory bail to the petitioners.

Accordingly, prayer for anticipatory bail of the petitioners is rejected and the application being CRM (A) 4390 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

