

08.01.2024
Item No.121
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4723 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Habibpur** Police Station Case No. **314** of **2023** dated **13.09.2023** under Sections **307/326/341** of the Indian Penal Code.

And

In the matter of : Sohel Mandal

..... petitioner

Mr. Arunabha Jana,
Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan
....for the State

Petition is taken up for consideration subsequent to the order dated October 17, 2023, passed by a coordinate Bench.

By such order, 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.

We perused the materials in the Case Diary. We find that, the victim suffered deep cut injury requiring stitches over the left eye.

In his statement recorded under Section 161 of Cr.P.C the injured stated that, after an altercation, the petitioner fetched a

pair of scissors and assaulted the victim with such scissors inflicting the wound over his eye.

Considering the nature of the injury at the part of the body suffered by the victim, we are unable to confirm the interim order dated October 17, 2023 or grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus rejected.

CRM(A) 4723 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)