

30.01.2024

CRM (A) 5149 of 2023

In re : An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 738 of 2023 dated 22.07.2023 under Sections 341/325/308/34 of Indian Penal Code read with Section 304 of the Indian Penal Code .

-And-

In the matter of : Sanjay Mondal @ Sanjay Mandal
... ..petitioner

Ms. Roma Ray
... .. for the petitioner

Ms. Faria Hossain
Mr. Pratick Bose
... ...for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that there was delay in the lodgment of the First Information Report. The victim survived for 18 days and did not record any statement implicating the petitioner.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

A person expired in the incident of assault and the police added Section 304 of the Indian Penal Code, 1860.

In the police case, eyewitnesses recorded statements under Section 164 of the Code of Criminal Procedure ascribing the specific role to the petitioner in the incident of assault leading to the death.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Thus, the prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 5149 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)