

26.11.2024
Sl. No. 13
Sourav/
Suvayan
[Rejected]

C. R. M. (A) 4093 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kulpi** Police Station Case No. **499** of **2023** dated **19.10.2023** under Sections **447/323/325/308/302/506/34** of the Indian Penal Code.

In the matter of: **Kanak Maity**

... .. Petitioner.

Mr. Niladri Sekhar Ghosh
Mr. Partha Sarathi Mondal

... .. for the petitioner.

Ms. S. Biswas
Ms. Mousumi Sarkar

... .. for the State.

1. Petitioner contends that there was prior enmity between parties. Case and counter case are pending by and between the parties. On the day of incident, there was a minor scuffle. Victim survived for five days. Accordingly, they pray for anticipatory bail.
2. Learned advocate for the State opposes the prayer. She contends that the petitioner is a proclaimed offender. In response, it is contended that the proclamation and attachment have been set aside by a Bench of this Court.
3. We have considered the materials on record including the statements of the witnesses. The witnesses implicate the petitioner in assaulting the victim. As a result, she was hospitalized and died. Post Mortem report shows internal injury in the brain and fracture of ribs.

4. In view of the nature of injuries and gravity of offence, we are not inclined to grant anticipatory bail to the petitioner.
5. Accordingly, the prayer for anticipatory bail is rejected.
6. The application being **CRM (A) 4093 of 2024** is, thus, dismissed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)