

29.04.2025
Sl. No.20
Ct. 28
NB

C.R.M. (A) 1316 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Malda P.S. Case No.107 of 2025 dated 13.02.2025 under Sections 329(4)/118(2)/110/351(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Gobinda Kundu ... petitioner

Mr. Kazi M. Rahman.
...for the petitioner.

Ms. Sukanya Bhattachariya,
Mr. Sujoy Sarkar.
...for the State.

Mr. Mobarabtullah
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is absolutely innocent. He has been falsely implicated in this case out of previous grudge.

Learned counsel appearing on behalf of the de facto complainant relies on a copy of X-Ray report, which is taken on record. She submits that part of the victim's elbow was chopped off. In fact, the X-Ray report refers to fracture of medial epicondyle of humerus.

Learned counsel appearing on behalf of the State relies on the statements of the injured and eyewitnesses as also on the copies of injury reports available in the case diary.

In view of the grievous nature of injury inflicted on the victim and other materials available in the case diary, I am not inclined to grant anticipatory bail to the petitioner.

The application for anticipatory bail being **CRM(A) 1316 of 2025** is, thus, rejected.

The de facto complainant shall be at liberty to provide relevant documents regarding medical treatment of the victim to the Investigating Officer of the case.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)