

03.01.2025

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Rejected

C.R.M. (A) No. 4525 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Kotwali Police Station Case No. 279 of 2024 dated 29.06.2024 under Sections 341/323/325/354B/307/506/34 of the Indian Penal Code.

And

In Re : Priyak Maity @ Sabuj Maity petitioner

Mr. Avik Ghatak
Ms. Afreen Begum

.....for the petitioner

Ms. Faria Hossain
Mr. Sreetama Das

..... for the State

Mr. Sujoy Bandyopadhyay

..... for de facto complainant

1. Learned Counsel for the petitioner submits earlier application for pre-arrest bail was not pressed and not disposed of on merits. There was dispute between the parties. Injury was on a non-vital part of the body. Iron rod had not been recovered. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. *De facto* complainant/victim is present in person and opposes the prayer for anticipatory bail.

4. We have considered the materials on record including the statement of the victim. She stated petitioner tried to hit her mother with an iron rod. In order to protect her,

the victim raised her hand and suffered fracture injury. Manner and circumstances in which assault was made and the fracture injury corroborates version of the victim that the petitioner tried to hit her on the head. This persuades us to hold this is not a fit case to grant anticipatory bail to the petitioner.

5. Accordingly, prayer for anticipatory bail is rejected.

(Shampa Dutt (Paul), J.)

(Joymalya Bagchi, J.)