

07.01.2025
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SG
[REJECTED]

C. R. M. (A) 4647 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak Police Station Case No. 918 of 2024 dated 22.06.2024 under Sections 341/323/324/326/307/34 of IPC.

And

In Re: **Md. Asmaul Sk @ Asmaul Sk.**

... .. Petitioner

Mr. Md. Wasim Akram,

.....for the petitioner

Mr. Asif Dewan.

...for the State

1. Petitioner contends there was a dispute during village *salish*. Victim had fallen on the road and suffered head injury. Petitioner has been falsely implicated. Co-accused have been granted anticipatory bail by the Sessions Judge. Accordingly, he prays for similar relief.

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

3. We have considered the materials on record including the statement of eye-witness. Eye-witness stated petitioner had boxed the victim. As a result, he fell down on the ground and suffered head injury and died. Role of the petitioner finds corroboration from the medical report placed on record. It is alleged other co-accused had kicked the victim after he had fallen down. No other injury was found on the victim to corroborate their role in the crime. Petitioner does not stand on the same footing with co-accused who have been granted pre-arrest bail.

4. Keeping in mind the principal role played by the petitioner in boxing the victim resulting in his fall on the ground and ultimate death, we are not inclined to grant anticipatory bail.

5. Application for anticipatory bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)