

IN THE COURT OF SESSIONS JUDGE, DAKSHIN DINAJPUR AT BALURGHAT.

Present : Shri Subhayu Banerjee (JO Code WB01275)

Crl. Misc. Case No.1123 of 2023

CNR : WBDD01-002537-2023

Order No.03, dt.11.10.2023 :

This is an application u/s-438 of Cr.P.C. which has been preferred by 1. Aminul Islam and 2. Samim Aktar Banu, the accused in connection with G.R. Case No.1035/2023 arising out of Gangarampur P.S. Case No.450/2023, dated 22.09.2023 U/s-341/326/354/34 of the IPC.

The Ld. Advocate for the accused-petitioners and the Ld. P.P, both are present in Court.

Before commencing the hearing of the instant application, this Court specifically queried from the Ld. Advocate representing the accused-petitioners and the Ld. P.P, as to whether any application for bail has been disposed of earlier by any superior Court or if any such similar application is pending in any other Court having jurisdiction to adjudicate the same.

Both, the Ld. Advocate representing the accused-petitioners and the Ld. P.P replied in the negative.

The Ld. Advocate representing the accused-petitioners submits that in the instant case the accused person has been falsely implicated and he has no nexus with the alleged offence. He submits that in the instant case the accused-petitioners did visit the house of the complainant, and some minor issue cropped up, following which there had been some minor scuffle, both the accused-petitioners have been wrongly implicated in the instant case. He further submits that on account of the situation as prevailing the accused may be enlarged on anticipatory bail subject to any condition that might be imposed by this Court.

The Ld. P.P opposed such prayer for enlarging the accused person on bail. He submits that the investigation is progressing satisfactorily and the medical documents recovered so far are highly incriminating. He, therefore, prays for rejection of anticipatory bail of accused.

Heard both sides. Perused the said application, the contents of the CD and LCR.

It appears that the instant case has been instituted under the provision of Section 341/326/354/34 of the IPC. Upon perusal of the CD, most specifically the contents of the written complaint, statement recorded u/s-161 Cr.P.C. and several other materials available in the same, as also the LCR, it appears to this Court that in the instant case there is a statement recorded u/s-164 Cr.P.C., which is highly incriminating, and the contents are aptly supported by the medical documents wherein the attending doctor clearly assessed the injury to be 'grievous', and upon perusal of the CD and LCR, it appears to this Court that the role of both the accused-petitioners, cannot be segregated.

Considering the materials on record this Court is of opinion that the application for anticipatory bail be **rejected**.

Crl. Misc. Case stands disposed of.

C.D. & L.C.R be returned.

Let a copy of this Order, along with the L.C.R., be sent to the Ld. A.C.J.M., Gangarampur at Buniadpur for information and necessary action.

Dictated & corrected by me.

Sessions Judge

*Sessions Judge,
Dakshin Dinajpur at Balurghat.*