

28.07.2021

Court No.28
Item No.06
(Rejected)

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CRM 1112 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Madhyamgram Police Station Case No. 170 of 2019, dated 13.04.2019 under Sections 302/34 of the Indian Penal Code (G.R. Case No.571 of 2019).

And

In the matter of : **Raj Chakraborty.**

...Petitioner

Mr. Ashok Kr. Chowdhury.

...For the Petitioner

**Mr. N. Ahmed, Id. A.P.P.,
Ms. Amita Gaur.**

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Madhyamgram Police Station Case No. 170 of 2019, dated 13.04.2019 under Sections 302/34 of the Indian Penal Code.

The petitioner is languishing in jail for nearly 22 months in connection with the aforementioned case initiated on the unnatural death of victim boy who was alleged to be an alcoholic and was initially admitted in the rehabilitation centre. The victim died in the hospital and the post mortem report would reveal the cause of the death by strangulation which is ante mortem and homicidal in nature.

After perusing the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure, the complicity of the petitioner at this stage cannot be ruled out.

We thus do not feel that the petitioner is entitled to be released on bail at this stage even after charge sheet has been filed.

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail, being CRM 1112 of 2021, is thus **dismissed.**

However, we direct the trial Court to expedite the matter.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)