

26.08.2021
Item no.78.
Court No.32.
AB
(Rejected)

(Via Video Conference)

CRM No. 4528 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 05.07.2021 in connection with Ramnagar Police Station Case No.77 of 2020 Dated 30.7.2020 under Sections 302/326/307/34 of the Indian Penal Code

And

In the matter of : Amit Middya

.....Petitioner.

Mr. Pawan Kr. Gupta,
Ms. Sofia Nesarfor the Petitioner.

Mr. Madhusudan Sur, Id. APP,
Mr. Monoranjan Mahatofor the State.

The petitioner is one of several accused persons. The petitioner says that he was instigated to react in the way he did. To save his family, he had to attack the victim. He had no intention to kill the victim.

We have seen the statements of witnesses in the case diary including the statement of an injured witness. The statement directly and squarely prima facie implicates the petitioner, who apparently dealt repeated blows on the victim causing his death.

We are told that September 23, 2021 has been fixed as the date for framing of charges.

Considering the serious nature of the allegation against the petitioner and that he is the prime accused, although the petitioner may have been in custody for about 385 days and although charge sheet has been submitted, we are not inclined to accede to the petitioner's prayer for bail, at this stage.

C.R.M. No.4528 of 2021 is, accordingly, dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)