

09.11.2021
tkm/ct 28
sl no. 70

C.R.M. 7167 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Pingla P.S case no. 117/2021 dated 19.4.2021 under sections 341/302/201 of the Indian Penal Code

And

In Re : Milan dandapath

..... petitioner

Mr. Avik Ghatak

Mr. A R Pati

..... for the petitioner

Mr. Swapan Banerjee

Ms. P Ghosh

..... for the State

Petitioner is in custody for 198 days. It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. It is further submitted that the name of the petitioner as miscreant did not transpire in the medical papers.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including the statements of neighbouring witnesses who saw the petitioner leaving in a motor cycle from the spot where the victim was recovered. Immediately thereafter, the victim was shifted to a local medical center and thereafter to SSKM hospital where she expired. It may be relevant to note that the FIR was promptly recorded even prior to the death of the victim wherein the fact that the petitioner was seen fleeing from the spot in motor cycle is recorded and his name appears as an accused person.

In view of the prompt registration of FIR reflecting the aforesaid incriminating fact and the gravity of the offence, we are of the opinion that this is not a fit case to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail is rejected.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)