

17.03.2021

Item No.60

Ct.No.28

dc.

Rejected

C.R.M. 11195 of 2020

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Chandrakona P.S. Case No. 271 of 2020 dated 27.09.2020 under Sections 302/120B/34 of the Indian Penal Code (G.R. Case No. 865/2020).

And

In Re : **Mahadeb Chowdhury & Ors.**

... Petitioners.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick

... For the Petitioners.

Mr. Neguive Ahmed,
Ms. Amita Gaur

... For the State.

This is an application for bail in connection with Chandrakona P.S. Case No. 271 of 2020 dated 27.09.2020 under Sections 302/120B/34 of the Indian Penal Code at the behest of the petitioners.

The present application for bail has been taken out by four accused persons who are in custody for 181 days in connection with the aforementioned case. It is submitted that there was a family dispute over the landed property and the present case has been lodged to take revenge against the petitioners.

On the other hand, the State says that there was a dispute with the deceased and the present petitioners over

the landed property and the petitioners in order to get the said property from the deceased, who happened to be the brother and disabled person, inflicted the fatal blows resulting into death.

We have perused the statement of the wife of the deceased as well as the other witnesses recorded under Section 164 of the Code of Criminal Procedure. We have further perused the *post mortem* report as the learned advocate tries to impress upon us that there is no evidence of physical assault on the body of the petitioners. We have seen that the death has occasioned because of the incident as indicated by the witnesses including the wife of the deceased. We feel that it is a matter of trial which shall be decided and as such, we do not think that the petitioners should be released on bail at this stage. Hence, the petitioners' prayer for bail is **rejected**.

The application for bail, being CRM 11195 of 2020, is, thus, dismissed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)