

29.07.2021

Court No.28  
Item No.16  
(Rejected)

Akd  
&  
As

**CIRCUIT BENCH OF CALCUTTA HIGH COURT**  
**AT**  
**JALPAIGURI**

**CRM 723 of 2021**  
**(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kurseong Station Case No. 49 of 2020, dated 16.04.2020 under Sections 302/324 of the Indian Penal Code.

And

In the matter of : **Gopi Bal (49)**

**...Petitioner**

**Mr. Prabir Kumar Mitra,**  
**Mr. Ranjit Singh.**

**...For the Petitioner**

**Mr. Aditi Sankar Chakraborty, Ld. A.P.P.,**  
**Mr. Ujjwal Luksom,**  
**Mr. Sourav Ganguly.**

**...For the State.**

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The prayer for bail is made on behalf of the petitioner in the aforesaid case on the ground that there was an altercation between the petitioner and the deceased over a common boundary wall between the two houses and in course of such altercation the victim received fatal blow and died. The case may be at best under Section 304 of the Indian Penal Code.

Considering the documents annexed to the instant application, we are not inclined to release the petitioner on bail on the ground that the offending weapon was recovered from the petitioner and the materials do not inspire us to release the petitioner on bail.

Accordingly, the prayer for bail is rejected.

However, since the charge sheet has been filed in the instant case, the learned Sessions Judge is requested to take an endeavour for expeditious disposal of the case.

The application for bail, being CRM 723 of 2021, is thus **dismissed.**

**(Harish Tandon, J)**

**(Bibek Chaudhuri,J.)**