

02.11.2021.
Item No. 7
Sc/ap (rejected)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

C.R.M. 1041 of 2021
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.10.2021 in connection with Dhupguri Police Station Case No. 162 of 2021 dated 25.04.2021 under Sections 447/325/302/34 of the Indian Penal Code and Charge-sheet No. 232 of 2021 dated 25.07.2021 under Sections 447/323/302/34 of the Indian Penal Code.

And

In the matter of : **Sadhan Bairagi.** ...petitioner

Ms. Jeenia Rudra,
Ms. Saheli Dey. ...For the petitioner

Mr. Nilay Chakraborty.For the State

The application for bail is made on the ground that the co-accused being nos.2 and 3 have been enlarged on bail on 6th August, 2021.

It is submitted that the petitioner is in custody for about 180 days. It is also submitted that charge-sheet has been filed.

Counsel for the State vehemently opposes the prayer for bail, *inter alia*, on the ground that the petitioner is the principal accused, who was found by the prosecution to have actually committed the stabbing incident that led to the death of the victim. He further submits that the victim is supposed to have been stabbed by the applicant with a spade on the chest and the weapon was twisted to ensure maximum damage.

In view of the above, this Court is of the considered view that the application for bail cannot be entertained.

Hence, the application for bail, being C.R.M. No. 1041 of 2021, is dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Kesang Doma Bhutia, J.)

(Rajasekhar Mantha, J.)