

03.02.2022

Serial no.54

Dd

CRM (DB) 283 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with Sessions Serial Case no. **05/2021** arising out of **Bhagwangola** Police Station Case No. **529** of **2020** dated **04.11.2020** under **Sections 448/302/120B** of the Indian Penal Code arising out of G.R. Case No. **3482** of **2020**.

-And-

In the matter of : Nishan Sarkar & Anr.

... ..Petitioners

Mr. Tapodip Gupta, Advocate

... .. For the Petitioners

Mr. Madhusudan Sur, Id. APP

Mr. Dipankar Pramanick, Advocates

... ..For the State

Petitioners renew the prayer for bail.

Learned advocate appearing for the petitioners submits that the postmortem report does not corroborate the statements recorded under Section 164 of the Criminal Procedure Code made by a person claiming to be an eyewitness of the incident. He highlights the period of detention of the petitioners.

Learned advocate appearing for the State draws the attention of the Court to the postmortem report and to the statements recorded under Section 164 of the Criminal Procedure Code.

The postmortem report states that the death is due to cardio-respiratory failure due to hanging. Postmortem report records a ligature mark around the neck expect right T.M. joint.

Considering the gravity of the offence and the involvement of the petitioners therein as it transpires from the materials available in the case diary and considering the fact that there is hardly any change in circumstances subsequent to the earlier order of rejection, we are not inclined to grant bail to the petitioners.

Prayer for bail is **rejected**.

This application for bail is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)