

29.03.2022

Sl. 63
Court No.29
SD
(Rejected)

C.R.M. (DB) 468 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.02.2022 in connection with Sankrail P.S. Case No. 697 of 2021 dated 11.6.2021 under Sections 302/34 of the Indian Penal Code.

And

In the matter of: Biswajit Sar @ Banerwar

....petitioner.

Mr. Kallol Mondal

Mr. Souvik Das

...for the petitioner.

Mr. Madhusudan Sur

Mr. Manoranjan Mahata

...for the State.

Petitioner seeks bail.

Learned advocate for the petitioner submits that the petitioner is in custody for 260 days. The police filed charge sheet. There are two statements recorded under Section 164 of the Code of Criminal Procedure. In one of the statements, the petitioner is not named. In the other, although the petitioner is named, the whole of the incident is periphery. The petitioner is not the main assailant.

Learned advocate for the State draws the attention of the Court to the statement of the eyewitness to the incident recorded under Section 164 of the Code of Criminal Procedure.

In the statement, the wife of the deceased states that the petitioner along with four others were involved in the incident. She states that Subhash Sar dealt with the fatal blow on her husband. The petitioner was present along with two others and was instigating and urging Subhash Sar with respect to the incident.

Considering the gravity of the offence and involvement of the petitioners therein as transpiring from the materials available

in the case diary including the statement of the wife of the deceased recorded under Section 164 of the Code of Criminal Procedure, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

CRM (DB) 468 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)