

04.03.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M. (DB) 619 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Khanakul** Police Station Case No. **93** of **2021** dated 04.03.2021 under Sections 363/365 of the Indian Penal Code, 1860 and adding Sections 302/201 of the Indian Penal Code, 1860.

And

In Re : Bishwajit Dolui.

..... petitioner

Mr. Niladri Sekhar Ghosh

Ms. Sompurna Chatterjee

....for the petitioner

Mr. Neiguive Ahmed

Ms. Ayantika Roy

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody for 93 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required. He submits that, the incident occurred seven months prior to the date of arrest of the petitioner. There is no material to establish that the petitioner is involved in the incident. He draws the attention of the Court to the injury recorded in the post mortem report, which speaks that the injuries caused were by a blunt weapon. He submits that, the police claimed to recover the sharp cutting weapon on the so-called leading statement made by the petitioner. The petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the post mortem report and to the leading statement made by the petitioner as well as the seizure made.

Considering the gravity of the offence and the involvement of the petitioner, as prima facie transpiring from the materials in the case diary and considering the fact that the corroboration between the injuries suffered and the weapon seized cannot be finally ruled out at this stage, we are unable to grant bail to the petitioner.

In such circumstances, prayer for bail of the petitioner is rejected and the application being CRM (DB) 619 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)