

21.03.2022

Sl. 47

Court No.29

suvayan

(rejected)

C.R.M. (DB) 749 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.03.2022 in connection with **Haroa** P.S. case No. **305 of 2021** dated **21/07/2021** under Sections **326/307/302/506/120B** and Sections **25/27** of the Arms Act (Corresponding to G.R. Case No.3122 of 2021) and charge-sheet No.351 of 2021 dated 20.09.2021 under Sections **147/148/149/326/307/302//506/120B** of the Indian Penal Code and **25/27/35** of the Arms Act.

And

In the matter of: Ratan Mondal

....petitioner.

Mr. Jayanta Narayan Chatterjee

Mr. Subrata Mukherjee

Mr. Kaushik Chawdhury

Mr. Sabyasachi Hazra

Ms. B. Khatoon

...for the petitioner.

Mr. Neguive Ahmed, Ld. APP

Mr. Iqbal Kabir

...for the State.

Mr. Mohinoor Rahaman

Ms. Maria Rahaman

...for the de facto complainant.

De facto complainant is represented.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the victim died out of gun shot injury. Only a wooden stick was recovered from the possessing of the petitioner.

Learned Additional Public Prosecutor submits that two persons died. He refers to the postmortem report of the two victims. He submits that none of the two victims died out of gun shot injuries alone.

One of the victim died out of shock and hamourage due to the wounds antemortem and homicidal in nature. The wounds noted are clean cut gun shot wound along with other wounds on the body

so far as the first victim is concerned. The second victim died due to the effects of head injury. The injuries noted are on the head, right elbow, left breast on such victim.

The two postmortem reports, therefore, cannot be construed to mean that both the victims died out of gun shot injuries alone. Apart from gun shot injuries, there are other injuries which are capable of being inflicted by the weapons seized from the petitioner. Consequently, we are unable to grant bail to the petitioner. Moreover, there is hardly any material change in circumstances subsequent to the earlier order of rejection.

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

C.R.M. (DB) 749 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)