

26.04.2022
Serial no.63
[Dd]
(Bail **Rejected**)

CRM (DB) 1083 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Udaynarayanpur** Police Station Case No. **24** of **2016** dated **02.03.2016** under Sections **341/302/34** of the Indian Penal Code (arising out of ST no. 226/2019)

-And-

In the matter of : Bappaditya @ Bappa Pandit
... ...Petitioner

Mr. Anindya Ghosh,
Mr. Sekhar Mukherjee, Advocates
... ... For the Petitioner

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta, Advocates
... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner was in custody for 390 days. The police filed charge sheet and, therefore, further detention of the petitioner is not required. The other co-accuseds were enlarged on bail.

Learned advocate appearing for the State submits that the petitioner is the principal accused. He dealt the fatal blow on the victim. There are eye-witnesses recorded under Section 164 of the Criminal Procedure Code implicating the petitioner. The victim made a dying declaration before two witnesses implicating the petitioner. The medical report corroborates the materials in the case diary.

There are statements of eye-witnesses recorded under Section 164 of the Criminal Procedure Code

implicating the petitioner in the incident. The dying declaration of the victim also implicates the petitioner.

Considering such materials in the case diary and considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that the petitioner was absconding for five years, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM (DB) 1083 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)