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(AD)

02.05.2022

Court No.29

(Rejected)

C.R.M. (DB) 1164 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Domkal** P.S. Case No.**102 of 2021** dated **08.03.2021** under Sections **341/325/326/354/307/34** of the Indian Penal Code and added Section **302** of Indian Penal Code.

And

In the matter of: Selim Ansari

....petitioner.

Mr. Kallol Mondal
Mr. Amanul Islam
Mr. Krishan Ray
Mr. Sourav Mukherjee
Mr. Souvik Das

...for the petitioner.

Mr. Ranabir Ray Chowdhury
Mr. Mainak Gupta

... for the State.

Mr. Debapriya Majumder

... for the de facto complainant.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the police case arose out of a land dispute. After completing an investigation, *inter alia*, under Section 307 of the Indian Penal Code, police submitted charge sheet, *inter alia*, under Section 302 of the Indian Penal Code. He submits that two of the co-accuseds were enlarged on bail.

Learned Advocate appearing for the State draws the attention of the Court to the statements of the husband of the victim recorded under Section 164 of the Code of Criminal Procedure as also the son of the victim recorded under Section 164 of the Code of Criminal Procedure.

Learned Advocate appearing for the de facto complainant submits that the petitioner is engaged in grabbing the land properties. He refers to police case in which the petitioner is involved.

Both the persons who recorded the statements under Section 164 of the Code of Criminal Procedure are eye-witnesses to the incident. The petitioner dealt the fatal blow upon the victim.

In such circumstances, considering the involvement of the petitioner in the incident as transpiring from the materials in the case diary and considering the fact that there are materials implicating the petitioner, we are unable to enlarge the petitioner on bail.

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

C.R.M. (DB) 1164 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)