

16.06.2022
cm/ct 28
sl no. 63

C.R.M.(DB) No. 1790 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Malipanchghora P.S Case No. 35 of 2021** dated **27.02.2021** under Sections **302/506/120B** of the Indian Penal Code.

And

Rejected

In Re : Vikram Gupta

..... petitioner

Mr. Sandipan Ganguly, Ld. Sr. Adv.

Mr. Soumya Basu Roy Chowdhuri

..... for the petitioner

Mr. Syed Shaid Iman

Mr. R. Das

Mr. S. Khan

.... for the De-facto complainant.

Mr. Madhusudan Sur, Ld.A.P.P.

Mr. Dipankar Paramanick

..... for the State

It is submitted on behalf of the petitioner that he is not the assailant. He has been falsely implicated in the case out of mere suspicion. Co-accuseds are on bail.

Learned counsel appearing for the State submits petitioner had a quarrel with the deceased and the assailant took his name at the time when shot the victim.

Learned lawyer for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Statement of eye witnesses recorded under Section 164 Cr.P.C. which shows prior enmity between the petitioner and the deceased. Co accused who shot at the victim exhorted that he was acting at the behest of the petitioner.

Keeping in mind the aforesaid incriminating facts, we are of the opinion petitioner does not stand on the same footing with co accuseds who have been enlarged on bail. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner.

The application being CRM(DB) No. 1790 of 2022 is rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)