

31.08.2022

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rejected

C.R.M.(DB) No. 2607 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kankartala Police Station Case No. 62 of 2021 dated 12.06.2021 under Sections 341/323/324/325/326/302/34 of the Indian Penal Code.

And

In Re : Tapas Bagdi petitioner

Mr. Soumyajit Das Mahapatra
... for the petitioner

Mr. Kallol Mandal
Mr. Anirban Mitra
... for the C.B.I.

Learned Counsel appearing for the petitioner submits he is in custody for 280 days. It is submitted that the deceased Mithun Bagdi was an accused in a murder case. He had murdered one Raju Bagdi, brother-in-law of the petitioner. Out of animosity petitioner has been falsely implicated in the instant case. Injured witness, Jhuma Bagdi, did not initially implicate the petitioner in the crime. Co-accuseds have been released on bail. Accordingly, he prays for bail.

Learned Counsel appearing for the C.B.I. opposes prayer for bail and submits co-accuseds were enlarged on bail without notifying C.B.I. Prayer for cancellation of bail has been filed before this Court. He refers to statements of the witnesses including defacto complainant disclosing involvement of the petitioner as one of the persons who had assaulted the victim resulting in his death.

We have considered materials on record. Co-accuseds were enlarged on bail without notifying CBI. Prayer for cancellation of bail has been filed. Hence, we do not wish to consider the bail prayer of the petitioner on the principle of parity. From the statements of various witnesses including the defacto complainant, we notice involvement of the petitioner in the crime. Statements of the witnesses unequivocally show role of the petitioner as one of the persons who assaulted the victim resulting in his death. Postmortem report shows number of injuries on the victim corroborating ocular version.

In view of the aforesaid incriminating materials on record and gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)