

22.08.2022

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rejected

C.R.M.(DB) No. 2801 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 73 of 2022 dated 27.01.2022 under Sections 302/34 of the Indian Penal Code.

And

In Re : Gopal Ghosh petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Angshuman Chakraborty

Mr. S. S. Saha

... for the petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

... for the State

Petitioner renews his prayer for bail.

Learned Counsel appearing for the petitioner submits one Kitab Ali Sk. who was present at the place of occurrence has not implicated him.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record. Statement of Kitab Ali Sk. recorded under Section 164 of the Code of Criminal Procedure is at variance with the statement recorded under Section 161 of the Code of Criminal Procedure. However, statements of witnesses as well as defacto complainant reflect the oral dying declaration of the victim implicating the petitioner and other accused persons in the murder.

In view of the aforesaid circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)