

18.10.2022
Sl.101&107
Court No.29
Sourav/
Suvayan
(Rejected)

C.R.M. (DB) 3648 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhagwanpur** P.S. Case No. **347** of **2021** dated **07.11.2021** under Sections **341/323/325/307/302/34** of the Indian Penal Code.
And

In the matter of: **Abhijit Mandal**

....petitioner.

with

C.R.M. (DB) 3656 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhagwanpur** P.S. Case No. **347** of **2021** dated **07.11.2021** under Sections **341/323/325/307/302/34** of the Indian Penal Code.
And

In the matter of: **Pintu Giri**

....petitioner.

Mr. Aniket Mitra
Mr. Sk. Sahjahan

...for the petitioners.

Mr. Rudradipta Nandy
Mr. N. P. Agarwala

...for the State in
CRM (DB) 3648 of 2022.

Mr. Rudradipta Nandy
Mr. Suman De

...for the State in
CRM (DB) 3656 of 2022.

Two applications for bail are taken up for analogous hearing as they emanate out of the same police case.

Learned advocate appearing for both the petitioners submits that the petitioners are in custody in excess of 335 days. The police filed charge-sheet and, therefore, further detention of the petitioners are not required.

Learned advocate appearing for the State draws the attention of the Court to the statement of witness recorded under Section 161 of the Criminal Procedure Code and to the post mortem report of the victim.

There is a statement by a post occurrence witness who claims

that the victim confided him the persons who assaulted the victim. The victim succumbed to his injury later on.

Learned advocate appearing for the State also submits that the co-ordinate Bench was pleased to reject the prayer for bail of other co-accuseds.

Both the petitioners are named in the statement of such post occurrence witness.

Considering the gravity of the offence and the involvement of the petitioners therein as transpiring from the materials in the case diary, we are unable to grant bail to the petitioners.

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

C.R.M. (DB) 3648 of 2022 and **C.R.M. (DB) 3656 of 2022** are dismissed.

(Debangsu Basak, J.)

(Ajay Kumar Gupta, J.)

