

12.12.2022.
34.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4234 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Usthi P.S. Case No.434 of 2018 dated 17.10.2018 under Sections 302/34 of the Indian Penal Code.

In the matter of : Kahar Ali Laskar.

... Petitioner.

Mr. Sekhar Kr. Basu, ld. Sr. Adv.,
Mr. Soubhik Mitter,
Mr. P. Roy,
Mr. Karan Bapuli.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, ld. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy.

...for the State.

Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chattopadhyay,
Mr. Santanu Majhi,
Ms. Snigdha Saha,
Ms. S. S. Saha,
Ms. Trisha Rakshit,
Ms. Rajarshee Tah.

...for the de-facto complainant.

Petitioner is in custody for five months. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

Learned Advocate for the de-facto complainant submits date has been fixed for consideration of charge in March, 2023.

We have considered the materials on record. Bail prayer of co-accuseds was rejected in September, 2022. Statements of witnesses disclose an oral dying declaration implicating the petitioner and the co-accuseds.

Under such circumstances and as examination of vulnerable witnesses have not begun, we are not inclined to grant bail to the petitioner at this stage.

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

Medical attention be extended to the petitioner, if necessary.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)