

21.12.2022
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rejected

C.R.M. (DB) No. 4494 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 863 of 2022 dated 22.08.2022 under Sections 302/326/34 of the Indian Penal Code.

And

In Re : Rakesh Ghosh & Anr. petitioners

Mr. Suvom Dutta

.... for the petitioners

Mrs. Zareen N. Khan

Mr. Arup Sarkar

..... for the State

Learned Counsel appearing for the petitioners submits they are in custody for 101 days. It is also submitted that there is no eye-witness to the incident. Dying declaration of the victim has also not been recorded by Magistrate. They pray for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. The petitioners had demanded money from the victim prior to the incident. They were seen at the place of occurrence immediately after the incident. Notings in the medical papers show complicity of the petitioners in the crime. Under such circumstances, we are not inclined to grant bail to the petitioners at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)