

13.07.2022.

Ct.No. 1

Item No. 19

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*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) 243 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973, filed on 11.07.2022 in connection with Dinhata Police Station Case No.652 of 2021 dated 24.12.2021 under Section 302 of the Indian Penal Code, 1860.

And

In the matter of : **Jiyalal Roy.**

...petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

...For the petitioner

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Sourav Ganguly

....For the State

The Application for bail is canvassed on the ground that the FIR was originally registered against some unknown persons and that the petitioner was the person who informed the local persons and that of the victim having died and lying in a tied up position.

Counsel for the State, however, opposes the prayer for bail.

It is submitted that the story of the petitioner informing the others of the victim being tied up after a robbery by certain persons, is completely belied by the CCTV footage. It is also submitted that no other persons were seen entering into the premises, which is a godown. Only the petitioner and the victim had access to the godown at the relevant point of time and were inside.

Charge sheet has been filed, inter alia, on the basis of last seen theory. The alleged motive behind the crime is stated to

have been money collected by the victim towards godown charges.

Having heard the learned counsel for the State and the counsel for the petitioner and having considered the Case Diary and the facts and circumstances of the present case, this Court is of the view that the prayer for bail of the petitioner cannot be entertained.

Hence, application for bail of the petitioner is, thus, rejected at this stage.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)