

03.01.2022
Item no.27.
Court No.01.
S. De
(rejected)

(Via Video Conference)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM No. 1205 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 17.12.2021 in connection with Bhaktinagar Police station Case No. 570 of 2021 dated 29.05.2021 under Sections 302/34 of the Indian Penal Code.

And

In the matter of : Kalyan Roy Petitioner.

Mr. Sabir Ahmed,
Mr. Hillol Saha Podder,
.....for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. Addl. P.P.,
Mr. Sourav Ganguly, for the State.

The petitioner is one of several accused persons. The charge is of murder. The petitioner says that he has been in custody for about 227 days. Charge sheet has been submitted. Other co-accused persons standing on the same footing have been enlarged on bail. He should also be granted bail.

We have seen the material in the case diary including the statements of eye-witnesses. It appears from such statements that the fatal blow was struck by the present petitioner on the victim smashing his skull and exposing his brain. The victim died instantly.

In view of the nature and gravity of the alleged offence and the manner in which the offence was committed and also in

view of the prima facie incriminating material against the petitioner, we are not inclined to grant bail to the petitioner, at this stage.

The application for bail is, accordingly, rejected.

CRM 1205 of 2021 is dismissed.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)