

29.11.22
Sl.66
Ct. No.1
(SD/ss)

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

CRM (DB) 404 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Kurseong** Police Station Case No.83 of 2022 dated 10.8.2022 under Section 304 of the Indian Penal Code;

And

In re: Wangdi Serpa

... petitioner.

Mr. Anand Bhandari
Mr. Urgen Lama

... for the petitioner.

Mr. Aditi Shankar Chakraborty
Ms. Namrata Das

...for the State.

Mr. Bikash Singha
Mr. Ujjwal Luksom

... for the Defacto complainant.

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

Perused the case diary.

Learned counsel appearing on behalf of the petitioner submitted that there is no eye witness of the incident and it is not a case of murder. Therefore, after detention of more than 100 days, the petitioner can be released on bail.

Per contra, learned Public Prosecutor strongly opposed the prayer for bail on the ground that strong incriminating elements are there against the petitioner including the post-mortem report.

There are strong incriminating elements in the case diary against the present petitioner and the offending weapon was recovered at the instance of the petitioner on the basis of his leading statement.

Therefore, considering the seriousness of offence, we are not inclined to allow the application for bail.

Accordingly, CRM (DB) 404 of 2022 is dismissed.

The Trial Court is directed to consider the charge within a period of one month from date.

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

(Sugato Majumdar, J.)

(Shekhar B. Saraf, J.)