

18.11.2022

Sl. No.8

akd

[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 436 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.11.2022 in connection with Mathabanga Police Station Case No. 380 of 2020 dated 17.09.2020 under Sections 147/148/149/324/326/302 of the Indian Penal Code. (G.R. Case No.652 of 2020)

And

In Re: ***Biraj Sarkar***

... .. Petitioner

Mr. Tanmay Basu
Mr. Subhasish Misra

... .. for the petitioner

Mr. Aditi Sankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Ujjwal Luksom

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 175 days. It is further submitted co-accused viz. Nandalal Sarkar has been enlarged on bail.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Nandalal Sarkar was not named by one of the injured witness namely, Bimal Sarkar. However, petitioner has been named as the assailant by both the injured witnesses i.e. Bimal Sarkar and his wife namely, Mamata Sarkar. He does not stand on the same footing with Nandalal Sarkar who has been enlarged on bail.

Under such circumstances and in view of the gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

