

09.02.2023
tkm/ct 28
sl no.33

C.R.M. (DB) 552 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chinsurah Police Station Case No. 407/2022 dated 6.8.2022 under Sections 307/120B of the IPC and sections 25/27/35 of the Arms Act

And

In Re : Sekhar Dey @ Shekhar Dey

..... petitioner

Mr. Sourav Chatterjee
Mr. S Das Mahapatra
Mr. Somnath Bhattaacharya
Ms. M Sinha

..... for the petitioner

Ms. Z N Khan
Md. Kutubuddin

..... for the State

Petitioner is in custody for 185 days. It is submitted he is not the principal assailant. He prays for bail.

Learned lawyer for the State opposes the bail prayer and submits that the offence involves a daring attack on an under-trial while he was being treated in the hospital. Petitioner was present at the place of occurrence and was arrested from the residence of a co-accused.

We have considered the materials on record. Statements of witnesses show petitioner was at the place of occurrence when one of the accuseds fired on an under-trial who was being treated in the hospital.

Keeping in mind the prima facie involvement of the petitioner in the alleged offence and the gravity of the offence, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)