

24.03.2023
tkm/ct 28
sl no.52

C.R.M. (DB) 1099 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kotulpur P.S case no. 303 of 2022 dated 16.11.2022 under sections 341/326/307/506/34 of the IPC and sections 25/27 of the Arms Act adding section 302 IPC

And

In Re : Abhijit Dolui

..... petitioner

Mr. Tapas Ghosh
Mr. T Chowdhury

..... for the petitioner

Mr. M Sur
Mr. D Paramanick

..... for the State

Mr. Juin Dutta Chakraborty

..... for the de facto complainant

Petitioner is in custody for 126 days. He submits he is not the principal assailant. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

Learned lawyer for the de facto complainant also opposes the bail prayer.

We have considered the materials on record. Statements of witnesses show petitioner and co-accused came in a motorcycle. Victim suffered gun-shot injuries and died.

In view of the aforesaid circumstances particularly the presence of the petitioner with the co-accused at the place of occurrence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)