

05.06.2023
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rejected

C.R.M.(DB) No. 2065 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dumdum Police Station Case No. 468 of 2022 dated 22.06.2022 under Sections 302/201/120B/34 of the Indian Penal Code.

And

In Re : Papai Das & Anr. petitioners

Mr. Debabrata Roy

Mr. Sankar Halder

....for the petitioners

Ms. Anasuya Sinha

Ms. Mayukhi Mitra

.... for the State

Learned Counsel for the petitioners submits they are in custody for 350 days. It is also submitted co-accused are on bail. They may also be released on bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Petitioners were named in the FIR. It is alleged that they had assaulted victim who succumbed to his injuries. Co-accused who had been implicated were not named in the FIR and it was claimed that they were identified in test identification parade. However, test identification report showed anomaly and they were released on bail on such score.

Accordingly, we are not able to extend the same privilege to the petitioners. Under such circumstances and in view of gravity of the offence we are not inclined to grant bail to them at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)