

19.06.2023
Sl. 42
Court No.29
sdas
(Rejected)

C.R.M. (DB) 2298 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in arising out of Shyampur P. S. Case No. 275 of 2021 dated 10.07.2021 under Sections 302/34 of the Indian Penal Code.

And

In Re: **Shibaprasad Kuilya @ Shib Prasad Kuillya**

....petitioner

Mr. Tanmay Chowdhury
Ms. Ritoprita Ghosh

...for the petitioner.

Ms. Zareen N. Khan
Md. Kutubuddin

...for the State.

1. Report submitted on behalf of the State be taken on record.
2. Heard the learned Counsel for the parties.
3. The petitioner is stated to be the assailant so far as the deceased is concerned. There is eye-witness account i.e. wife of the deceased and other witnesses. The brother of the petitioner who is stated to have been released on bail is on different footing as found from the Case Diary.
4. Regard being had to the facts and submissions, gravity of the offence, quantum of punishment prescribed, we are not inclined to exercise our discretion in favour of the petitioner under Section 439 of the Cr.P.C. at this stage.
5. Accordingly, the prayer for bail of the petitioner is rejected.
6. CRM (DB) 2298 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

