

27.06.2023

Sl. 37

Court No.29

Suvayan

(Rejected)

C.R.M. (DB) 2477 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in arising out of **Harishchandrapur** P. S. Case No. **370 of 2022** dated **13.05.2022**, (Corresponding G.R. Case No. **1127 of 2022**) under Sections **302/120(B)/34** of the IPC.

And

In the matter of: **Md. Sekel @ Sekel Ahammed @ Sekel Ali**

....petitioner

Mr. Milon Mukherjee, Sr. Adv.

Mr. A. Dewan

Mr. A. Sarkar

...for the petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakraborty

...for the State.

Mr. Soupal Chatterjee

Mr. Anupam Das

Mr. Apan Saha

...for the de facto complainant.

1. Heard the learned Counsel for both the parties.
2. The case is stated to have been committed. The petitioner is stated to have given one blow on the head of his uncle causing the fatal injury.
3. Regard being had to the stage of the proceeding, we are not inclined to exercise our discretion in favour of the petitioner under Section 439 Cr.P.C at this stage.
4. The petitioner is, however, at liberty to renew his prayer for bail before the learned Trial Judge after framing of charge. If the learned Trial Judge finds that there is no scope on the part of the petitioner to tamper with the evidence or flee the course of justice, the application for bail be accordingly disposed in accordance with law.
5. Accordingly, the prayer for bail of the petitioner is rejected.
6. CRM (DB) 2477 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

