

29.08.2023
Sl. No.12
akd
[Rejected]

C. R. M. (DB) 3339 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.07.2023 in connection with Ranaghat Police Station Case No.287 of 2023 dated 12.05.2023 under Sections 448/307/427/34/302 of the Indian Penal Code. (G.R. Case No.2334 of 2023)

And

In Re: ***Rabin Karmakar & Anr.***

... .. Petitioners

Ms. Minoti Gomes
Ms. Sananda Bhattacharyya
... .. for the petitioners

Mr. Kalyan Kumar Bhattacharjee
... .. for the de-facto complainant

Ms. Zareen N. Khan
Mr. Ashok Das
... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about 108 days. It is further submitted one Amit Mondal, son of the deceased Asim Mondal had assaulted one Utpal Biswas, son of Khokan Biswas, a co-accused in the present case. In retaliation, present case was registered implicating Khokan Biswas and others including the petitioners. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits statements of witnesses including the wife and stepson of the deceased show the latter was brutally assaulted by the petitioners and others.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record. In the FIR it is contended Utpal Biswas suffered injury due to road traffic accident but a separate criminal case being Ranaghat Police Station Case

No.290 of 2023 dated 12.05.2023 was registered over the incident. Statements of Utpal Biswas and others in the said case show he had been assaulted by Amit Mondal, son of the deceased. Soon thereafter, alleged assault on Asim Mondal, father of Amit Mondal took place. The aforesaid circumstances prima facie lend motive to the petitioners and co-accused Khokan to assault the victim i.e. father of Amit Mondal. Statements of witnesses disclose the role of the petitioners in the crime. Post mortem report also corroborates the ocular version. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioners at this stage.

5. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)