

12.09.2023

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rejected

C.R.M.(DB) No. 3536 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 708 of 2023 dated 01.06.2023 under Sections 341/325/307/302/34 of the Indian Penal Code.

And

In Re : Uttam Bed @ Uttam Kumar Bed .... petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Ali Ahsan Alamgir

Ms. Rabia Khatoon

Ms. Soma Mal

Ms. June Modak

....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

.... for the State

Mr. Pradip Kumar Kundu

Mr. Kingsuk Mondal

..... for de facto complainant

1. Learned Counsel for the petitioner submits he is the father-in-law of the deceased. It is submitted that he has been falsely implicated. It is also contended that the injured eye-witness has not named the petitioner. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Statement of the injured eye-witness under Section 161 of the Code of Criminal Procedure discloses presence of the petitioner at the place of occurrence. In his statement before learned Magistrate he claimed that he had suffered injury and had become unconscious. There is dichotomy in his version with regard to the persons who assaulted him and the deceased. But the neighbours had also seen the

incident. They have stated that the petitioner and co-accused had brutally assaulted the deceased and his friend. In view of the materials on record and gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is, thus, rejected.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**