

20.09.2023
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rejected

C.R.M.(DB) No. 3551 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Liluah Police Station Case No. 165 of 2023 dated 16.04.2023 under Sections 341/323/325/307/34 of the Indian Penal Code and subsequently adding Section 302 of the Indian Penal Code.

And

In Re : Gopal Bhattacharjee petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Kusal Kumar Mukherjee
Mr. Diptangshu Basu
Mr. Sayan Das

.... for the petitioner

Mr. Neguive Ahamed, learned APP
Ms. Amita Gaur

.... for the State

1. Learned senior Counsel for the petitioner submits that the incident occurred in the course of a sudden quarrel. There is no intention to commit the murder. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits co-accused is absconding and threatening the complainant.

3. We have considered the materials on record. Statements show petitioner and his son assaulted the victim. As a result he died. Co-accused is at large and it is contended that he is threatening the witnesses when specific case has been started. In this backdrop release of the petitioner would lead to further intimidation of the witnesses and would not be conducive for the trial of the case. Accordingly, we are not inclined to grant bail to the petitioner.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)