

21.09.2023
Sl. No.19
akd
[Rejected]

C. R. M. (DB) 3676 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.09.2023 in connection with English Bazar Police Station Case No.1683 of 2022 dated 05.11.2022 under Sections 341/326/307/302/34 of the Indian Penal Code. (G.R. Case No.6989 of 2022)

And

In Re: ***Rubel Sk.***

... .. Petitioner

Mr. Rana Mukhopadhyay

... .. for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 93 days. It is further submitted statement of the victim-housewife was belatedly recorded and is not corroborated by the injured witness. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits wife was present at the spot and had seen the incident. It is possible the injured witness had not noticed the presence of the petitioner owing to the assault upon him.
3. We have considered the materials on record. Statement of the wife before police officer as well as Magistrate implicates the petitioner as one of the assailants. It is true the injured witness has not named the petitioner. As contended on behalf of the State it is possible that the injured witness being assaulted himself was unable to notice the presence of the petitioner. Materials show the wife was present at the place of occurrence. Under such circumstances and in view of 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.)