

05.10.2023
Sl. No.38
akd
[Rejected]

C. R. M. (DB) 3834 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.09.2023 in connection with Ausgram Police Station Case No.174 of 2023 dated 05.06.2023 under Sections 302/34 of the Indian Penal Code.

And

In Re: ***Bishnu Mondal***

... .. Petitioner

Mr. Subrata Bhattacharyya
Ms. Shipra Santra

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Amita Gaur

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 116 days. It is further submitted petitioner had no motive to commit the crime. He reported the incident to the family members of the deceased. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits victim was injured and strangled to death at the residence of the petitioner. Ligature i.e. belt belonged to the petitioner.
3. We have considered the materials on record. Prior to the incident one Kesto Mete had threatened to murder the victim. Thereafter, body of the victim was found at the residence of the petitioner. Though petitioner claims he have reported the matter to the family members, he gave an evasive reply with regard to the cause of death though body was found in his house. Ligature i.e. belt also belonged to him. In view of the aforesaid incriminating materials 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)