

20.12.2023.
40.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4255 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Uttarpa P. S. Case No.372 of 2022 dated 12.10.2022 under Sections 341/323/325/307/302/34 of the Indian Penal Code.

In the matter of : **Surajit Mallick.**

... Petitioner.

Mr. P. Chatterjee,
Mr. Rima Banerjee.

...for the Petitioner.

Mr. Arijit Ganguly,
Ms. Puspita Saha.

...for the State.

1. Petitioner contends that he stands on the same footing with co-accused who have been enlarged on bail. Hence, he prays for bail.

2. Learned Advocate for State opposes the bail prayer. She contends oral dying declaration electronically recorded implicates the petitioner as a conspirator.

3. We have considered the materials on record. Victim made an oral dying declaration which was recorded in the mobile phone of a witness. In the dying declaration petitioner has been implicated as a conspirator. Accordingly, he does not stand on the same footing with co-accused who are on bail as the said co-accused had not been implicated in the dying declaration.

4. Under such circumstances and in view of gravity of offence, we are not inclined to grant bail to the petitioner.

5. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)