

01.12.2023.
42.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4314 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khargram P. S. Case No.203 of 20231 dated 09.06.2023 under Sections 341/325/326/307/302/120B of the Indian Penal Code.

In the matter of : **Imran Sk @ Sakiruddin Sk. @ Sakirul Sk. & Ors.**
... Petitioners.

Mr. Kallol Kr. Basu,
Md. Jannat Ul Firdous
...for the Petitioners.

Mr. Swapan Banerjee,
Ms. Sutapa Banerjee
...for the State.

1. It is submitted on behalf of the petitioners that petitioner Nos.2 and 3 did not participate in the assault. Petitioners pray for bail.

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

3. We have considered the materials on record including statements of witnesses. Witnesses stated petitioners and co-accused being variously armed surrounded the victims and assaulted them. At that time petitioner No.1 fired at one of the victims resulting in his death. Injury report and post mortem report show other injuries apart from gun shot injury which corroborates the allegation of collective assault.

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.)