

23.11.2023
tkm/ct 28
sl no. 50

C.R.M. (DB) 4409 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with English Bazar PS case no. 873 of 2023 dated 4.6.2023 under sections 448/325/326/307/354/34 IPC read with section 302 IPC

And

In Re : Kabatulla Sk

...petitioner

Mrs. Sujata Das

..... for the petitioner

Mr. M Sur

Mr. Dipankar Paramanick

..... for the State

1. Petitioner is in custody for 81 days. He contends he is an elderly person suffering from ailments. There is no overt act attributed in the FIR against him. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits petitioner and co-accused were drug dealers. Victim and his family members objected. As a result, they were physically assaulted, one of whom died.
3. We have considered the materials on record. Petitioner is named in the FIR. Statements of witnesses recorded under sections 161/164 Cr.P.C show he along with others participated in the assault of the victims. One of the victims succumbed to his injuries.
4. Under such circumstances and in view of the gravity of offence, we are not inclined to grant bail to the petitioner at this stage.
5. Accordingly, prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)