

AD-19
Ct No.01
Jalpaiguri
07.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 41 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **09.01.2023** in connection with **Bhaktinagar** Police Station Case No. **570** of **2021** dated **29.05.2021** under Sections **302 and 34 IPC.**

And

In the matter of: **Kalyan Roy**

.... petitioner

Mr. Alok Sah

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Arjun Chowdhury

... for the State

Learned counsel for the petitioner submits that the petitioner is already in custody for about 550 days. Apart from that, three other co-accused persons are already on bail. It is candidly submitted that the bail of the present petitioner had been refused in the year 2021 and thereafter a bail application was filed but not pressed on December 08, 2022.

Learned counsel for the State vehemently opposes the prayer and submits that, keeping in view the gravity of the offence, that is, the brutal murder of a 25 year old boy, the prayer for bail should be refused.

That apart, there is a specific account of the eye-witness incriminating the present petitioner in the act alleged. Moreover, the

present petitioner is the principal accused and might not be on the same footing as the other co-accused persons released on bail.

Keeping in view the gravity of the offence and the fact that the charges have not yet been framed, we are not inclined to grant bail at this stage to the petitioner.

Accordingly, CRM (DB) 41 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)