

07.07.2023

Item no.6

Court No.1.

AB

(Rejected)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (DB) No. 345 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Sahebganj Police Station Case No.440 of 2022 Dated 1.12.2022 under Section 302/120B 201/34 of the Indian Penal Code

And

**In the matter of : Bipul Modak @ Kartik Modak
@ Pichla & Anr.**

.....Petitioners.

Mr. Sudip Guha for the Petitioners.

Mr. A. S. Chakraborty, ld. APP
Mr. Sourav Ganguly for the State.

Heard learned Advocate for the petitioners and learned Advocate for the State at length.

It is contended on behalf of the petitioners that considering the false implication of the present accused petitioners and considering the fact that investigation has already been completed, the present accused petitioners may be enlarged on bail on any condition whatsoever.

While opposing the prayer for bail, learned Advocate for the State took us to different portions of the case diary. It has been shown that prior to the alleged incident of double murder, a serious quarrel took place between the deceased person and the charge sheeted accused persons. It has also been shown to

us that as per the statement of one of the accused persons, the weapon of offence was recovered.

Such being the position and considering the grievousness of the offence, we are not inclined to exercise our discretion under Section 439 Cr.P.C. in favour of the petitioners.

The prayer for bail stands rejected.

CRM (DB) No.345 of 2023 is dismissed.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)