

26.09.2023
Court No.1
SL No.5
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(DB) 469 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sitalkuchi** P.S. Case No.**104 of 2021** dated **05.05.2021** under Sections **302/34** of the IPC and Sections **25/27** of the Arms Act.

And

In the matter of: **Tahidul Miah**

....Petitioner.

Mr. Hillol Saha Podder

...For the Petitioner.

Mr. Sudipto Kumar Mazumdar

Mr. Ajoy Kumar Singhanian

Mr. Sourab Kar

Mr. Sudip Kr. Paul

...For the CBI.

1. The petitioner seeks bail on the ground that he is in custody for more two years three months.

2. The petitioner is the principal accused in post poll violence case at Sitalkuchi Police Station Case No.104 of 2021 dated 5th May, 2021 under Sections 302/34 of the IPC and Sections 25/27 of the Arms Act.

3. A Coordinate Bench on 6th March, 2023 has recorded that the petitioner is a principal offender and he had fired at the victim resulting in death. There are no changed circumstances. The finding of the Coordinate Bench cannot be upset by this Court.

4. In these circumstances, this Court is not inclined to grant bail to the petitioner.

5. Hence, the application for bail is hereby rejected.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)