

04.10.2023.

Item No. 24

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 613 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 19.09.2023 in connection with Dinhata Police Station Case No. 332 of 2022 dated 07.07.2022 under Sections 341/323/325/326/307/354/506/34 of the Indian Penal Code and Section 302 of the Indian Penal Code.

And

In the matter of: **Rasel Ali Ahamed @ Rasel Ahamed.**

...Petitioner

Mr. Sudip Guha.

...For the petitioner

Mr. Tapan Bhattacharjee,
Mr. Dhiman Sil.

....For the State.

1. This application for bail is made on threefold grounds.

Firstly, a charge-sheet has already been filed and investigation is over. Secondly that a Co-ordinate Bench of this Court has granted bail to one co-accused, Raushan Ali Ahammed @ Rousan Ali Ahammed, after it was rejected by the Court below. Thirdly, that another co-accused, namely, Ramij Ali has also been granted bail by the Court below.

2. The application for bail is vehemently opposed by the Counsel for the State.

3. It is submitted that the incident occurred when the petitioner's family was invited by the victim's family to their residence on the occasion of "EID". It is further

submitted that over an alleged dispute, the parties attacked each other and the victim died.

4. This Court has noted in several statements in the case diary pointing out specifically against the petitioner that he committed to assault.

5. This Court is of the view that the assault might have been pre-meditated. Even assuming that it occurred on the spur of the moment a person with such extreme state of mind and impulsiveness capable of ending a life, in facts and circumstances of the case, should not be enlarged on bail.

6. The grant of bail to the co-accused person by a Co-ordinate Bench of this Court on 2nd May, 2023 is not commented upon by this Court.

7. This Court only notes that a Co-ordinate Bench of this Court had considered the fact that other accused therein was in custody for more than six months.

8. Hence, C.R.M. (DB) No. 613 of 2023 shall stand rejected at this stage.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)

