

30.01.2024
28
sdas
rejected

C.R.M.(DB) No. 251 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 655 of 2023 dated 21.08.2023 under Sections 302/379 of the Indian Penal Code.

And

In Re : Kartick Biswas @ Pintu Biswas Petitioner

Ms. Minoti Gomes

Ms. Dona Sanyal

....for the petitioner

Mr. Sandip Chakraborty

..... for the State

1. Learned Counsel for the petitioner submits he and the deceased were gambling on a roof. When police raided they tried to run away. Victim fell from the roof and died. Petitioner has been falsely implicated in the case. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits victim had been assaulted by the petitioner in the thigh and private parts. Thereafter he was pushed by the petitioner from the roof and died.

3. We have considered the materials on record. Statements of the relations show victim had been assaulted in the scrotum. Thereafter he was pushed from the roof. As a result he died. But other statements show the petitioner urged the victim to flee away and had pushed him from the roof. In order to examine the authenticity of the accusation we have gone through the postmortem report. Postmortem report shows

sharp cutting injury in the thigh and scrotum of the victim. This corroborates statements of the relations of the deceased improbabilising a case of accidental death. Under such circumstances and in view of gravity of the offence we are not inclined to grant bail to the petitioner.

4. The application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)