

11.03.2024
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rejected

C.R.M.(DB) No. 576 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thanarpara Police Station Case No. 181 of 2023 dated 02.09.2023 under Sections 341/325/307/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

And

In Re : Mainul Mondal petitioner

Mr. Bibhaswan Bhattacharya

Mr. Asraf Mondal

....for the petitioner

Mr. Rudradipta Nandy, learned APP

Ms. Jonaki Saha

... for the State

1. Learned Counsel for the petitioner submits there was a free fight between the parties. Case and counter case were registered between them. He is in custody for six months. He prays for bail.

2. Learned Counsel for the State produces case diaries of both the cases. He also submits petitioner and his associates did not suffer injuries.

3. We have considered the materials on record. Statements of witnesses show petitioner had assaulted the victim. As a result he died. It is also contended there was a free fight. Case and counter case were registered. We have considered case diaries of both the cases. Counter case was registered one month after the incident. That apart, petitioner

and his associates did not suffer any injury. In view of the aforesaid facts which do not disclose any extenuating circumstance so far as the petitioner is concerned, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)