

09.04.2024
tkm/ct 28
sl no. 57

C.R.M. (DB) 1059 of 2024

In Re : An application for bail under section 439 Cr.P.C in connection with Kaliaganj PS case no. 506 of 2023 dated 29.11.2023 under section 447/341/325/326/307/506/34 IPC adding section 302 IPC

And

In Re : Najmuna Khatun petitioner

Mr. Jisan Iqubal Hossain

..... for the petitioner

Mr. Saryati Datta

Mr. Arup Sarkar

..... for the State

Mr. Kaushik Chaudhury

Mr.S Hazra

Ms. Busra Khatun

..... for the de facto complainant

1. Petitioner submits she is a young lady and has been falsely implicated due to prior enmity. A free fight had ensued. Case and counter case were registered. She prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. Learned lawyer for the de facto complainant also opposes the bail prayer.
4. We have considered the materials on record including the statement of the eye-witnesses recorded under section 164 Cr.P.C. Petitioner was present at the place of occurrence and had participated in the assault. Counter case was belatedly registered and injuries are simple.
5. In view of the aforesaid it is evident that the petitioner had trespassed into the land of the de facto complainant and was the aggressor.
6. Under such circumstances and in view of the gravity of offence, we are not inclined to grant bail to the petitioner at this stage.
7. Accordingly, prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)