

19.04.2024
tkm/ct 28
sl no. 50

C.R.M. (DB) 1234 of 2024

In Re : An application for bail under section 439 Cr.P.C in connection with Dhubulia P.S case no. 196 of 2019 dated 31.7.2019 under section 341/326/307/34 IPC

And

In Re : Secender Sk @ Sekender Sk petitioner

Mr. K K Mukherjee
Ms. S Dutta

..... for the petitioner

Ms. Amita Gaur
Ms. Amrin Khatun

..... for the State

1. Petitioner submits oral dying declaration before PW 5 is not corroborated by another witness PW4. Accordingly, he prays for bail
2. Learned lawyer for the State submits petitioner and others had set the victim on fire.
3. We have considered the materials on record. Victim had made oral dying declaration in the hospital. PW5 deposed regarding the oral dying declaration. It is argued PW4 has not spoken of the dying declaration. Lack of corroboration from PW4 requires to be assessed in the light of the entire evidence on record. Offence, if proved, would attract mandatory life imprisonment. Trial is in progress.
4. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
5. Accordingly, prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)