

02.05.2024
tkm/ct 28
sl no. 47

C.R.M. (DB) 1381 of 2024

In Re : An application for bail under section 439 Cr.P.C in connection with Tamna P.S case no. 217 of 2022 dated 8.12.2022 under section 302/201 IPC and adding section 120B IPC

And

In Re : Dusmanta Kumar Mahapatra petitioner

Mr. Ayan Basu
Sk Salim
Mr. S Routh

..... for the petitioner

Mr. R D Nandy
Mr. Saibal Krishna Dasgupta
..... for the State

1. Petitioner submits statements of witnesses before police runs counter to the statement of one Jakir Alam before magistrate. Petitioner is in custody for more than a year. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits bail prayer of the petitioner was rejected earlier on merits.
3. We have considered the materials on record. Witnesses saw petitioner with the victim in the night prior to the incident. Another witness has stated that co-accused Sanjoy Gupta had taken the victim away in his car. These two statements do not completely contradict one another. It is open to the petitioner to agitate his defence in course of trial. 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.)