

11.06.2024
Item no. 21
Court No.28.
AB
(Rejected)

CRM (DB) 1529 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Nadan Ghat (Kalna Purba Bardhaman) Police Station Case No.503 of 2023 Dated 3.11.2023 under Section 302 of the Indian Penal Code

And

In the matter of : Suman Roy

.....Petitioner.

Mr. Supratik Basu,
Mr. Swapan Kr. Dey,
Mr. Sree Kumar Chakrabortyfor the Petitioner.

Mr. Joydeep Roy,
Mr. Mainak Guptafor the State.

The charge against the petitioner is of murder. The petitioner says that he has been falsely implicated. He has no connection with the alleged crime.

According to the petitioner, the prosecution case is that on August 21, 2023, hearing the victim shouting out for help, the defacto complainant, who is his mother, rushed to the spot and found that he was lying injured. The victim was taken to the hospital. No complaint was lodged immediately thereafter. Ultimately, the victim succumbed to the injury on November 2, 2023. On the next date, formal complaint was lodged.

The petitioner says that he is in custody for about 143 days. Investigation has been completed and charge sheet has been filed. His further detention is not necessary.

Learned Advocate for the State produces the case diary and refers to the statements of witnesses recorded under Section 164 Cr. P.C. They are eyewitnesses.

We have also perused the post mortem report.

On an overall appreciation of the facts and circumstances of the case and on a prima facie assessment of the material on record, we are of the view that there are sufficient incriminating material against the petitioner and, therefore, we are not inclined to allow the petitioner's prayer for bail, at this stage.

The prayer for bail is, accordingly, rejected.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)