

CRM (DB) 1828 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliyaganj Police Station** Case No. **506 of 2023** dated **29.11.2023** under Sections **447/341/325/326/307/506/302/34** of the Indian Penal Code.

- A n d -

In the matter of : Kausar Ali

.... Petitioner.

Mr. Soumik Dey,

... for the petitioner.

Mr. B. Khatun,

... For the defacto complainant.

Mr. Sandipan Chakraborty,
Mrs. A. Sinha

... For the State.

The petitioner says that the alleged incident arose out of a property dispute. There was a free fight between two groups. Several persons were injured including the petitioner. A relative of the petitioner has also filed a case against the family of the present complainant. The petitioner has no significant role to play in the alleged offence. He is in custody for about 298 days. He prays for bail.

While opposing the prayer for bail, learned Advocate for the State draws our attention to statements of eye witnesses recorded under Section 164 Cr. P. C. At least one such statement specifically names the petitioner as the primary assailant which caused grievous injury to the victim who subsequently succumbed to such injury.

Learned Advocate for the defacto complainant also strongly opposes the prayer for bail.

We find that a co-accused person namely, Najmuna Khatun, had applied for bail to this Court by filing CRM (DB) 1059 of 2024. That application was dismissed by a coordinate Bench by an order dated April 9, 2024. We see from the material on record that the present petitioner stands on a worse footing than Najmuna Khatun.

On an overall assessment of the facts and circumstances of the case and the *prima facie* incriminating material against the petitioner as well as the gravity of the offence with which the petitioner has been charged, we are not inclined to allow this application for bail at this stage.

CRM (DB) 1828 of 2024 is, thus, dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)