

30.7.2024
Ct. No. 6
SL No. 56
SB /
Tanmoy

C.R.M. (DB) 2128 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dumdum** P.S. Case No. 70 of **2024** dated **19.02.2024** under Sections 302/120(B)/34 of the Indian Penal Code.

And

In the matter of: Swapan Makal @ Makhal @ Bidesh

Mr. Sibaji Kr. Das

Ms. Deblina De

Ms. Sayani Pan

...for the Petitioner

Mr. Avisek Sinha

Mr. Soumadip Saha

....for the State

Mr. Akash Sarkar

... for de facto complainant.

1. Learned counsel for the petitioner submits there was a skirmish between the parties. He had no intention to commit the murder. He is in custody for 140 days. He prays for bail.
2. Learned counsel for the State opposes the bail prayer. He contends petitioner and one Ayan Dutta pushed the victim from a wall resulting in his death.
3. We have considered the materials on record. Statements of the witnesses show petitioner and Ayan Dutta had pushed the victim from a wall. As a result he fell down and died. The aforesaid conduct of the petitioner gives rise to a reasonable inference of his intention to cause bodily injury which is likely to cause death. Statements of witnesses are corroborated by injuries in the post mortem report.
4. In view of the gravity of the offence, we are not inclined to grant bail to the petitioner.
5. Accordingly, the application for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)