

13.05.2024

Sl. No.47
akd
[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 131 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.02.2024 in connection with Kalchini Police Station Case No. 170 of 2023 dated 15.10.2023 under Section 302 of the Indian Penal Code read with Sections 25/27 of the Arms Act. (G.R. Case No.1939 of 2023)

And

In Re: **Litan Sarkar @ Liton Sarkar**

... .. Petitioner

Mr. Subham Ghosh
Mr. Mayank Roy

... .. for the petitioner

Mr. Nilay Chakraborty .. Id. Addl. Public Prosecutor
Mr. Sagnik Sankar Sikdar

... .. for the State

1. It is submitted on behalf of the petitioner that he is innocent and has been falsely implicated. Co-accused has been enlarged on bail. Trial has not commenced. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits victim was accompanying the petitioner and others in a vehicle. At that juncture, petitioner had fired at the victim resulting in his death.
3. We have considered the materials on record. We have also gone through the statements of witnesses before Magistrate. One of the witnesses stated he heard the petitioner threatening the victim ‘*dekhbi dekhbi*’ and thereafter heard the sound of firing. Victim suffered gunshot injury and died. In view of the aforesaid clinching evidence on record and as the allegations if proved

would attract mandatory life imprisonment, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)