

**THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

17.05.2024.
6/tkm

C.R.M. (DB) 238 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mekhliganj PS case no. 12 of 2024 dated 11.1.2024 under sections 447/448/323/325/354/427/506/307/34 IPC adding section 302 IPC

and

In the matter of : Altab Hossain & Anr. Petitioners

Mr. Biswarup Roy
Ms. S Debnath

...for the Petitioners

Mr. Abhijit Sarkar
Mr. Arjun Chowdhury

...for the State.

Mr. Satyam Sarkar

...for the de facto complainant

1. Petitioners submit there was a free fight. Case and counter case were registered between the parties. They are in custody for four months. They pray for bail.
2. Learned lawyer for the State produces the case diaries of both the cases. He submits petitioners did not suffer injuries.
3. Learned lawyer for the de facto complainant also opposes the bail prayer.
4. We have considered the materials on record. Statements of witnesses implicate the petitioners in the assault resulting in death of the victim. It is contended there was a free fight and case and counter case were registered.

5. Going through the materials collected in the counter-case we find no injury was suffered at the end by the petitioners or their associates.
6. In view of the aforesaid circumstances and statements of witnesses implicating the petitioners in the assault resulting in death, we are not inclined to grant bail to the petitioners at this stage.
7. Accordingly, prayer for bail is rejected.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)