

AD-4
Ct No.01
Jalpaiguri
16.08.2024
sp

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 314 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973.

And

In the matter of: Tapan Barman

.. petitioner

Mr. Jaydeep Kanta Bhowmik,
Ms. Debi Sarkar,
Mr. Sayantan Bhowmik,
Ms. Sayantani Das

..for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Arjun Chowdhury

..for the State

Mr. Debasish Mukherjee,
Ms. Srishti Sarkar

...for the de facto complainant

1. The application for bail is sought on the ground that the petitioner is in custody for 102 days.
2. This Court has carefully considered the statements recorded under Section 164 of the Cr. P.C. While it is true that the petitioner, is the brother of the principal accused Fuldhar Barman who inflicted the main injury, the participation of the petitioner in inflicting other injuries cannot be ruled out. The medical report indicates serious injuries in the nature of fracture and pavement damage to one eye. The petitioner was

not present at the time of the first altercation and the second altercation, suggests that he was part of a pre-meditated plan to inflict the injuries on the victim.

3. The ingredients of Section 326 of the IPC are clear and explicit. The ingredients of section 307 are prima facie evident from the facts of the case.
4. In the facts and circumstances, this Court is not inclined to grant bail to the petitioner at this stage.
5. Hence, CRM (DB) 314 of 2024 is, thus, rejected.
6. The observations made hereinabove, shall not be considered by the Court below while considering any other application for bail on any other ground.

(Ajay Kumar Gupta, J.)

(Rajasekhar Mantha, J.)