

20.08.2024
Court No.1
SL No.11
pk/AP

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

CRM(DB) 349 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dhupguri** P.S. Case No. **561 of 2023** dated **16.11.2023** under Sections **448/326/307/120B/109/34** of the IPC.

And

In the matter of: **Sunil Roy**

....Petitioner.

Mr. Sudip Guha

...For the Petitioner.

Mr. Nilay Chakraborty
Mr. Sourav Ganguly

...For the State.

1. The petitioner seeks bail on the ground that the co-accused persons have been enlarged on bail.
2. It further submitted that since after the rejection of the prayer for anticipatory bail of the petitioner by a Coordinate Bench on 12th April, 2024, the petitioner surrendered and he is in custody for about 124 days.
3. Learned counsel for the State opposes the prayer for bail and submits that the charge sheet has been filed.
4. This Court is very carefully considered the case diary particularly the injury report. While it is true that the genesis of the incident was in a land dispute, the petitioner stands on a completely different footing from the other co-accused persons,

who are on bail. The petitioner is the main accused. The nature of the injuries inflicted on the victim are stated to be grievous.

5. This Court is of the view that the injury could have seriously lead to the death of the victim. The ingredients of Section 307 of the IPC are fully attracted in the facts of the case apart from other sections.

6. In view of the above, this Court is of the view that the petitioner is rather dangerous person and cannot be granted bail.

7. The application for bail is, thus, rejected.

(Rajasekhar Mantha, J.)

(Ajoy Kumar Mukherjee, J.)