

40. 07.11.2024
Court
No.1 (Tanmoy)

Rejected

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (DB) 518 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Mathabhanga P.S. Case No. 124/2024 dated 07.03.2024.

And
In the matter of: - **Suraj Chouhan @ Chowhan** ...petitioner.
Mr. Hillol Saha Podder
...for the petitioner.
Mr. Kallol Acharjee
Mr. Subhasish Misra
...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 249 days. He had no intention to kill the victim. There was dispute between the victim and the petitioner's family in respect of land. There was a scuffle between the victim and the petitioner and his father. Charge-sheet has been submitted upon completion of investigation. Further custodial detention of the petitioner is unnecessary. He prays for bail.
2. Opposing the prayer for bail learned State Advocate draws our attention to the post mortem report as also to the statements of eyewitnesses recorded under Section 164 of the Code of Criminal Procedure, 1973. The same *prima facie* implicate the petitioner.

3. In view of the gravity of the offence and the *prima facie* incriminating material against the petitioner, we are not inclined to allow the petitioner's prayer for bail, at this stage. Hence the prayer for bail is rejected.
4. The application being CRM (DB) 518 of 2024 is accordingly dismissed.
5. All parties shall act in terms of the server copy of this order duly downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Biswaroop Chowdhury, J.)