

74. 06.11.2024
Court
No.1 (Tanmoy)

Rejected

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (DB) 532 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 Pundibari P.S. Case No. 245/2024 dated 20.04.2024.

And
In the matter of: - **Subhash Chandra Roy @ Tena & Anr.**

Mr. Hillol Saha Podder
Ms. Mousumi Das

...petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Subhasish Misra

...for the petitioners.

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners say that they have been falsely implicated. They were not involved in the alleged crime. They are in custody for 195 days. Beyond filing of charge-sheet nothing has progressed in the trial. Three co-accused persons are absconding. They should be enlarged on bail.
2. Opposing the prayer for bail learned State Advocate draws our attention to the statement of an eyewitness who specifically implicated these petitioners as the prime accused. The victim succumbed to the injury that he sustained. These petitioners along with their friends appear to have brutally assaulted the victim.

3. Considering the nature and gravity of the alleged offence and the *prima facie* involvement of the petitioners therein, we are not inclined to enlarge them on bail, at this stage. Hence the prayer for bail is rejected.
4. The application being CRM (DB) 532 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.)