

82.
08-11-2024
(ct. no.01)
S. De
(Rejected)

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

CRM (DB) 553 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Abdul Gani.

.....Petitioner.

Ms. Pratusha Dutta Chowdhury,for the Petitioner.

Mr. Kallol Acharjee,
Mr. Saikat Chatterjee,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. There was a dispute between his elder brother and the neighbor. A fight started between the said two persons. He tried to intervene and stop the fight. Later the neighbor who sustained injury in the fight was declared dead when taken to the hospital. He has no role to play in the alleged murder.
2. Learned advocate for the State says that investigation is in progress. The petitioner is in custody for 57 days. there is enough incriminating material against him.
3. We have seen the material in the case diary including the statement of the victim's wife recorded under Section 164 Cr.P.C. She is an eye-witness to the incident. She implicates the petitioner by name.

4. In view of such prima facie involvement of the petitioner in the alleged crime and considering that investigation is still going on, we are not inclined to entertain the petitioner's prayer for bail, at this stage.
5. CRM (DB) 553 of 2024 is dismissed.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)