

18.06.2025

Item No.13

Ct.No.34

rc.

C.R.M. (M) 32 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kandi Police Station Case No. 632 of 2023 dated 21.10.2023.

And

In Re : **Rahul Sk.**

... Petitioner

Mr. Sekhar Kumar Basu

Mr. Abir Ranjan Neogi

Mr. Karon Bapuli

... for the Petitioner

Mr. Rudradipta Nandy

Ms. Nirupam Dhali

... for the State

Mr. Rajesh Naskar

....for the defacto complainant

The petitioner is in custody for more than seven months and prays for bail.

Learned counsel for the petitioner submits that though father in law of the victim who is an eye witness to the incident stated in his statement recorded under Section 164 of the Code of Criminal Procedure that the victim was shot by the petitioner with a gun from behind, he has subsequently stated in his examination before the learned trial Court that other accused persons also shot the victim as a result of which the victim expired. One such co-assailant has been discharged from the case. Two others have been granted bail by this Court.

Learned counsel for the State opposes the prayer.

It appears from the material on record that the petitioner is the principal assailant who shot the victim from behind, resulting his death. Of course, other circular injuries have been detected in the person of the victim which suggest shooting by the other co-accused. However, the petitioner appears to be the principal assailant.

Considering the gravity of the offence as well as prima facie involvement of the petitioner therein, the prayer for bail is rejected at this stage.

The bail application is disposed of.

Case Diary is returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)