

5 30.10.2024
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rejected

CRM (DB) 3127 of 2024

In the matter of : An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973) in connection with Ranaghat G.R.P.S. Case No. 9 of 2021 dated 27.06.2021 under Sections 302/120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

And

In the matter of : Dipankar Biswas & Anr.

Mr. Chitrak Biswas

... ... for the petitioners

Mr. Arijit Ganguly

Mr. Habib Hossain

... ... for the State

Mr. Biswas, learned advocate representing the petitioners, submits that the charge sheet has been submitted. The petitioners have been languishing in jail custody for a prolonged period. He argues that further detention of the petitioner will not serve any purpose. He submits, in light of this situation, bail be granted to the petitioners.

The learned advocate representing the State produces the case diary and vehemently opposes the prayer for bail. Based on the materials available in the case diary, he submits that there is direct involvement of the present petitioners in the alleged offense. He also submits that the prayer for bail from the co-accused persons have been denied by different coordinate benches of this Court.

Heard learned counsel for the parties. Perused the case diary and other materials available on record.

The post-mortem report indicates that the victim died from bullet injuries. The statements of the witnesses, recorded under Section 161 as

well as Section 164 of the Code, point to the presence of the petitioner at the scene of the occurrence.

In this context, upon assessing the roles attributed to the petitioners and considering the nature and gravity of the offence, as well as the extent of the petitioners' complicity in the alleged crime, and noting that the bail applications of co-accused persons, who stand on the same footing, have been denied by different coordinate benches of this Court, we are of the view that the petitioners cannot be admitted to bail at this stage. Hence, their prayer for bail is rejected.

Accordingly, the application being CRM (DB) 3127 of 2024 stands dismissed at this stage.

(Partha Sarathi Chatterjee, J.) (Saugata Bhattacharyya, J.)