

26.06.2019.
Item No.4
(Rejected)
ab

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 389 of 2019

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.04.2019 in connection with Maynaguri Police Station Case No. 512 dated 22.12.2018 (G.R. Case No. 4947 of 2018) for commission of offence punishable under Section 392 of the Indian Penal Code, 1860;

And

In the matter of : Md. Khairul and others.

... petitioners.

Mr. Sourav Kar.

...For the petitioners.

Mr. Nilay Chakraborty,
Mr. Biswarup Roy.

...For the State.

Heard the learned Advocates appearing on behalf of the parties.

Three petitioners have jointly filed the instant application for bail having arrested in connection with Maynaguri Police Station Case No. 512 dated 22.12.2018 (G.R. Case No. 4947 of 2018) for commission of offence punishable under Section 392 of the Indian Penal Code, 1860.

According to the petitioners, nothing could be recovered from their possession and whatever recovered that has been shown in the search cum seizure list has no nexus and connection with the alleged offence. The recovery was not shown on the disclosure of one of the petitioners nor the alleged amount could be recovered from their possession.

Hence, it is submitted that they have been falsely implicated and, therefore, should be enlarged on bail.

We have perused the case diary produced by the State and after noticing the statements recorded under Section 161 of the Code of Criminal Procedure as well as the seizure list appended thereto, even if the charge-sheet has already been submitted, we do not feel that it is a fit case where the petitioners should be enlarged on bail.

The application for bail of the petitioners is, thus, rejected.

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

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)