

22.01.2021
Court No.28
Item No. 45
Krishnendu
Bail Rejected

**CRM 395 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Mir Jumman Ali

Petitioner

Mr. Arup Kumar Bhowmick

For the Petitioner

Mr. Neguive Ahmed

Mrs. Trina Mitra

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Mothabari Police Station Case No. 187 of 2020 dated 19.05.2020 under sections 302/34 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There is no direct allegation against the petitioner in the complaint. The prime accused, namely, Mir Afrul Ali, is in custody. Upon completion of investigation, charge sheet has also been filed and as such further detention of the petitioner, who is in custody for 246 days, is not necessary,

The learned advocate appearing for the State opposes the prayer for bail and submits that out of the seven accused persons, five are absconding till date and there are materials on

record disclosing the involvement of the petitioner. Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the application for bail, being CRM No. 395 of 2020, is dismissed.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)