

**03.03.2021**

Item No.4

Ct.No.28

dc.

**Rejected**

**C.R.M. 585 of 2021**

**(Via Video Conference)**

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Sheo Shankar Bharti @ Sheo Sankar Bharti**

... Petitioner.

Mr. Sourav Chatterjee

... For the Petitioner.

Mr. Madhusudan Sur,  
Mr. Dipankar Paramanick

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bhatpara P.S. Case No. 366 of 2020 dated 26.09.2020 under Sections 341/326/307/34 of the Indian Penal Code.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an alleged incident on 26<sup>th</sup> September, 2020. No overt act has been attributed to the petitioner and there has been no recovery from him. The entire case is based on circumstantial evidence and the petitioner is in custody for more than 120 days. In the said conspectus, further detention of the petitioner is not necessary.

Mr. Sur, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the seizure list and the statements of the wife and son of the deceased as recorded under Section 164 of the Code.

Having heard the learned advocates 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 enlarge the petitioner on bail at this stage.

Accordingly, the application for bail, being CRM 585 of 2021, is dismissed.

The case diary is returned to Mr. Sur.

**(Tirthankar Ghosh, J.)**

**(Tapabrata Chakraborty, J.)**