

15.03.2021
Item no.17
Court No.28
Avijit Mitra

C.R.M. 762 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Serampore Police Station Case No.409 of 2020 dated 15.12.2020 under Sections 363/364A/365/34 of the Indian Penal Code and under Sections 25/27 of the Arms Act;

And

In Re : Noorbox Sk. @ Bhola Sk. @ Nurbaks Sekh

.... Petitioner

Mr. Ratul Biswas,
Mr. Gopal Das

...for the petitioner

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick

...for the State

Mr. Biswas, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. A similarly situated person namely Soumen Das alias Choton has already been enlarged on bail by an order dated 13th January, 2021 in CRM No.234 of 2021. Upon completion of investigation chargesheet has also been filed and as such, further detention of the petitioner, who is in custody for about 89 days, is not warranted.

Mr. Sur, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim as recorded under Section 164 of the Code of Criminal Procedure.

We have perused the materials in the case diary including the statement of the victim as recorded under Section 164 of the Code wherefrom, *prima facie* it appears

that the petitioner is directly involved in the alleged offence. Furthermore he is not similarly placed with Soumen Das alias Choton who has been enlarged on bail. Considering the gravity of the offence and the complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner. As such his prayer for bail is refused, at this stage.

Accordingly, the application being C.R.M. No.762 of 2021 is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)