

10.03.2021
Court No.28
Item No. 27
Krishnendu
Rejected

CRM 770 of 2021
(Via video Conference)

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

And

In Re : **Abdul Latif**

Petitioner

Mr. Jayanta Narayan Chatterjee,
Ms. Bushra Khatun

For the Petitioner

Mr. Saswata Gopal Mumherjee, Ld. P.P.,
Mr Partha Pratim Das,
Ms. Manasi Roy

For the State

Mr. Palash Bapari

For the De facto Complainant

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Raiganj Police Station Case No. 817 of 2020 dated 06.10.2020 under Sections 447/325/304/506/34/302 of the Indian Penal Code.

The learned advocate for the petitioner submits that the petitioner is in custody for about 154 days and on conclusion of investigation, charge-sheet has already been submitted. The learned advocate categorically submits that the First Information Report refers to overt act being committed by accused persons which do not incorporate the name of the petitioner and the statements under Section 164 of the Code of Criminal Procedure of the witnesses, who happen to be the eye-witnesses, also do not name the present petitioner.

Mr. Das, learned Advocate for the State opposes the prayer for bail and refers to the statements under Section 161 of the Code of Criminal Procedure as well as the statements of different witnesses recorded under Section 164 of the Code of Criminal Procedure. He also draws our attention to the post-mortem report.

We have perused the materials on record and we find that the present petitioner initiated the incident and thereafter intimidated and abetted in the commission of the alleged offences when the overt act could have been executed by other accused persons.

Having regard to the nature of the complicity of the present petitioner and the fact that other accused persons are still absconding, we are not inclined to release the petitioner on bail at this stage. Accordingly, the prayer for bail is rejected.

The application for bail, being CRM 770 of 2021, is rejected.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

