

19.03.2021
Item No.74
Ct.No.28
Subha
rejected

C.R.M. 923 of 2021
(Via Video Conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with Hanskhali P. S. Case No. 304 of 2020 dated 10-07-2020 under Sections 447/506/323/354(B)/326/34 of the Indian Penal Code with added section 313 of the Indian Penal Code.

In the matter of : Sadhan Halder & Anr. ... Petitioners.

Ms. Minoti Gomes

... For the Petitioners.

Mrs. Sukanya Bhattacharyya
Mr. Md. Kutubuddin

...for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Hanskhali P. S. Case No. 304 of 2020 dated 10-07-2020 under Sections 447/506/323/354(B)/326/34 of the Indian Penal Code with added section 313 of the Indian Penal Code.

Ms. Gomes, learned advocate appearing for the petitioners submits that the petitioners are in custody for about 119 days and charge-sheet has already been

submitted. Additionally, learned advocate for the petitioners submits that there are no allegations so far as the present petitioners are concerned in relation to the offence committed under Section 313 of the Indian Penal Code.

Ms. Bhattacharyya, learned advocate appearing for the petitioners opposes the prayer for bail and draws the attention of this court to the injury report as well as the statement of the victim.

We have perused the materials on record available in the case diary, the statement of the victim, which implicate the present petitioners in the alleged offence complained of.

Having regard to the fact that the other accused are still absconding and prima facie there are incriminating materials appearing against the present petitioners in the commission of the alleged offence, we are of the opinion that this is not a fit to release the present petitioners on bail and as such, the prayer for bail of the petitioners is rejected at this stage.

With the aforesaid observations, the application for bail being CRM 923 of 2021 is, accordingly, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)