

31.08.2021
Serial no. 17
Dd

(Through Video Conference)

CRM 1404 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on **03.02.2021** in connection with **Golabari** Police Station Case No. **423 of 2019** dated **28.10.2019** under **Sections 302/201** of the Indian Penal Code, 1860 corresponding to S.T. No. 32 of 2020.

-And-

In the matter of : Surendra Rai

...Petitioner

Mr. Kallol Mondal,
Mr. Krishan Ray,
Ms. Amrita Chel,
Mr. Souvik Das,
Mr. Anamitra Banerjee, advocates
... .. For the Petitioners

Mr. Madhusudan Sur, APP
Mr. Dipankar Pramanick, advocates
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 673 days. The evidence against the petitioner is on the basis of hearsay. He draws the attention of the Court to the statement recorded under section 164 of the Criminal Procedure. He submits that the person making the statement stated that somebody else told him about the incident. No reliance, therefore, should be placed on the statements recorded under section 164 of the Criminal Procedure Code.

Learned advocate appearing for the State submits that considering the gravity of the offence, bail should not be granted. A person was murdered. The dead body was recovered from the refrigerator of the employer of the

petitioner. The petitioner identified the dead body. There are statements under Section 161 of the Criminal Procedure Code, apart from the statements recorded under Section 164 of the Criminal Procedure Code implicating the petitioner in the crime.

We have considered the case diary produced in court. Considering the materials made available in the case diary and the statements recorded under Section 164 of the Code of Criminal Procedure and the gravity of the offence, we are **not inclined** to grant bail to the petitioner.

CRM 1404 of 2021 is **dismissed**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)