

25.03.2021
Court No.28
Item No. 149
Krishnendu
Bail Rejected

**CRM 1422 of 2021
(Via video Conference)**

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

And

In Re : Shyam Sundar Biswas

Petitioner

Mr. Proloy Bhattacharjee

Ms. Sumita Sarkar

Ms. Dipa Mondal

For the Petitioner

Mrs. Zareen N. Khan

Ms. Sreeparna Das

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Arambagh Police Station Case No. 363 of 2020 dated 05.10.2020 under sections 302/34 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the allegations levelled against the petitioner are unfounded. No overt act has been attributed to the petitioner. Upon completion of investigation, charge sheet has also been submitted and as such further detention of the petitioner, who is in custody for 118 days, is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer for bail and draws our attention to several documents in the case diary, including the dying declaration.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case

diary, the dying declaration, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and as such his prayer for bail is refused at this stage.

Accordingly, the application for bail, being CRM No. 1422 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)