

01.06.2021

Court No.28
rpan / 19

CRM 1974 of 2021

(Via video Conference)

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

And

In Re : **Bakkar Halsana**

Petitioner.

Mr. Sekhar Kumar Basu,
Mr. Kusal Kumar Mukherjee,
Ms. Suchismita Dutta
... for the Petitioner.

Mr. Nguive Ahmed,
Mr. Binay Panda,
Ms. Pushpita Saha
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Chapra Police Station Case No.402 of 2020 dated 21.10.2020 under Sections 302/120B/34 of the Indian Penal Code.

Mr. Basu, learned senior advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The entire case is based upon circumstantial evidence and upon the statement of the minor son of the deceased, as recorded under Section 164 of the Code. A perusal of the contents of the complaint and the 164 statement would reveal that there are inconsistencies. The charges have not been framed and as such, there is no possibility towards early conclusion of the trial. Upon completion of investigation charge sheet has also been submitted

and as such, further detention of the petitioner, who is in custody for about 222 days, is not necessary.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the seizure list, the statement of the minor son of the deceased, namely, Soheli Rana Sk., as recorded under Section 164 of the Code.

We have heard the learned advocates appearing for the respective parties and have considered the materials in the case diary. It appears that on the basis of the statement of Soheli Rana Sk., as recorded under Section 164 of the Code, the offending weapon and the wearing apparels were seized from the house of the present petitioner. *Prima facie* we do not find any inconsistency in the statements of Soheli Rana Sk., as recorded under Sections 161 and 164 of the Code. There are materials on record as regards the involvement of the petitioner in the alleged offence. Considering the gravity of the offence and the extent of complicity, 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.

The application for bail, being CRM No.1974 of 2021, is dismissed.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)

