

17.06.2021

Court No.28
Item No.17

Akd
&
Ab

CRM 2115 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Karandighi Police Station Case No. 328 of 2019, dated 08.10.2019 under Sections 396/397/412/447/302/326/307/34 of the Indian Penal Code and read with Sections 25(1)/27 of the Arms Act.

And

In the matter of : **Noor Alam @ Barat Ali.**
...Petitioner

Mr. Nirupam Dhali,
Ms. Priya Chakraborty.

...For the Petitioner

Mr. N. Ahmed,
Mr. Md. Anwar Hossain,
Ms. Sreyashee Biswas.

...For the State.

Learned Advocate for the petitioner has sought for bail for his long incarceration of one year and ten months together with a plea that he has been falsely implicated in this case, as his name did not transpire in the First Information Report itself. The recovery of mobile phone from the accused person is afterthought one, which has been Cooked up in the interest of prosecution. It has further been submitted that the charge sheet has been submitted.

Mr. N. Ahmed, learned Advocate representing State, opposes the prayer for bail submitting that though the petitioner was not named in the First Information Report, but by reason of the statement of co-accused, there has been a nexus developed between the alleged occurrence and the present petitioner himself, and while pursuing the statement of the petitioner, the petitioner was found throwing the mobile in a pond, which was subsequently recovered, and later found to be belonging to deceased. In one sentence Mr. Ahmed raises strong objection submitting that the prosecution case would be seriously prejudiced in the event the petitioner is released on bail only on the ground of long incarceration.

Having considered the materials placed in the case diary and bearing in mind the recovery of mobile phone revealing his involvement in the offence and also the seriousness of the offence

being committed, we are not inclined to grant bail to the petitioner.

The application for bail, being CRM 2115 of 2021, is thus **rejected**.

(Harish Tandon, J)

(Subhasis Dasgupta,J.)