

25.01.2021

Item No.4

Ct.No.28

dc.

Rejected

C.R.M. 3874 of 2020

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CRAN 1 of 2020 (Old No. CRAN 2127 of 2020)

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CRAN 2 of 2020

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : **Mahitosh Ghosh**

... Petitioner.

Mr. Atis Kumar Biswas,
Mr. Amit Singh

... For the Petitioner.

Ms. Faria Hossain,
Ms. Baisali Basu

... For the State.

Records reveal that by an order dated 9th June, 2020, the application being CRAN 1 of 2020 (Old No. CRAN 2127 of 2020) was disposed of. The application being CRAN 2 of 2020 praying for an early date is disposed of and the application being CRM 3874 of 2020 is taken up for hearing.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with SC Case No. 31 of 2020 arising out of Tehatta P.S. Case No. 532 of 2019 dated 15.11.2019 under Sections 302/120B of the Indian Penal Code.

Mr. Biswas, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. His name does not feature in the FIR. Upon completion of investigation, charge-sheet has also been filed and as such, further detention of the petitioner, who is in custody for more than 300 days, is not necessary.

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

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, the statement of the complainant recorded under Section 164 of the Code of Criminal Procedure 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 to grant him bail at this stage.

Accordingly, the application for bail, being CRM 3874 of 2020, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)