

29.06.2021

(Via Video Conference)

Court No. 28
Item No. PB-53
nandy/rc

CRM 2890 of 2021

(bail rejected)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 19.03.2021 in connection with Nakashipara Police Station Case No. 255 of 2020 dated 03.06.2020 under Sections 447/326/354/302/34 of the Indian Penal Code (S.L. No. 1321 of 2020).

and

In the matter of: **Pintu Ghosh**

..... Petitioner

Mr. Kushal Kumar Mukherjee, Advocate

.....for the Petitioner

Mr. Madhusudan Sur, Learned A.P.P.

Mr. Dipankar Pramanick, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Nakashipara Police Station Case No. 255 of 2020 dated 03.06.2020 under Sections 447/326/354/302/34 of the Indian Penal Code.

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in this case and he is in custody for last 180 days. It is further submitted that the name of the petitioner was not disclosed in the statement of witnesses including the wife of the deceased recorded under Section 164 of the Code of Criminal Procedure. According to the petitioner at the time of occurrence, petitioner was not present at the scene of crime. Charge-sheet having submitted in this case, further detention, according to the petitioner, is unnecessary.

The learned Advocate for the State raises objection against the prayer for bail. It is submitted that the name of the petitioner has been disclosed in the statement of eye-witnesses, though the name of the petitioner remained undisclosed in the statement of

witnesses recorded under Section 164 of the Code of Criminal Procedure. The prima facie involvement of the petitioner in the offence is thus transpired from the statement of witnesses recorded under Section 161 of the Code of Criminal Procedure leading to the death of the deceased.

Though the petitioner is in custody for last 180 days, but having found direct involvement of the petitioner with regard to the alleged death of the deceased, we are not inclined to grant bail to the petitioner at this stage.

The prayer for bail is **rejected** at this stage.

The application being **CRM 2890 of 2021** accordingly **dismissed**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)