

July 01, 2021

ARDR /kole
(Rjeected)

(Via Video Conference)

CRM 3133 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **English Bazar** Police Station case no. **874** of **2020** dated **24/09/2020** under Sections **341/326/307/302/34** of the Indian Penal Code.

In Re : **Tapas Roy**

... Petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Imadul Haque,

.....for the petitioner

Mr. Swapan Banerjee,
Mr. Suman De,,

....for the State.

Advocate on record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail in connection with English Bazar Police Station case no. 874 of 2020 dated 24/09/2020 under Sections 341/326/307/302/34 of the Indian Penal Code.

Learned Advocate for the petitioner submits that a boy of 18 years of old is languishing in custody for about 334 days. He has been falsely implicated in this case without any overt act being performed in connection with alleged offence leading to the death of more than one diseased. Charge sheet, according to the petitioner, having already been submitted, detention any more of the petitioner is unnecessary.

It is also submitted that there is discrepancy found in the statement of witnesses recorded under Section 164 of the Code of Criminal Procedure, and for such contradictions the occurrence leading to the death is suspicious one.

Learned Advocate for the State raises objection against the prayer for bail. It is submitted that the name of the petitioner was disclosed in the statement of the injured witness, who is the best and most defensible witness for the prosecution and there is minor discrepancy in the statement of witness recorded under Section 164 of the Code of Criminal Procedure.

To reinforce the objection, it is also submitted that discrepancy in the statement of the witness, if there be any, may be a matter of trial and not to be gone into account while making consideration of the prayer for bail.

Having considered the submission of both sides and bearing in mind the statement of the injured witness disclosing direct involvement of the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner at this stage.

The prayer for bail is rejected.

The application being CRM 3133 of 2021 stands disposed off.

(Hrish Tandon, J.)

(Subhasis Dasgupta, J.)