

42. 31.08.2021
Ct.32
Tanmoy
Rejected

C.R.M. 3605 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **27/04/2021** arising out of **Beldanga Police Station Case No. 518 of 2020** dated **04/12/2020** under Sections **341/302/34** of the Indian Penal Code read with Sections **3/4** of the Explosive Substances Act and Sections **25/27** of the Arms Act.

And

In the matter of: - **Sk Abu Sufian @ Abu Sufiyan Sk @ Bhutal**

...petitioner.

Mr. Sourav Chatterjee,
Mr. Anisur Rahaman

...for the petitioner.

Mr. Somnath Adhikary

...for the *de facto* complainant

Mr. Swapan Banerjee,
Mr. Suman De

...for the State.

The petitioner is one of several accused persons. The charge is one of murder and also under Explosive Substances Act and the Arms Act.

The petitioner says that at the highest he was present at the place of occurrence. He had no role to play in the murder of the victim. The petitioner refers to two statements of eyewitnesses. In one, the petitioner is named as having been simply present at the place of occurrence. In the other, he is not named at all.

Learned Counsel for the State produces the Case Diary. We have seen the statements of other witnesses including the statements of eyewitnesses recorded under Section 164 of the

Code of Criminal Procedure. At least one of such witnesses specifically names the petitioner as having inflicted the injury on the victim to which he ultimately succumbed.

The petitioner says that there was no recovery of weapons from him. However, that fact *per se* does not exculpate the petitioner *prima facie* in view of the other incriminating material on record.

On an overall consideration of the facts and circumstances of the case and the material on record and the nature and gravity of the offence, we are not inclined to allow the petitioner's prayer for bail at this stage.

Accordingly, the application for bail being C.R.M. 3605 of 2021 is **dismissed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)