

04.08.2021

CRM 3646 of 2021

Court No.28
Item No.32
(Rejected)

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In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Chapra P.S. Case No.333 of 2020 dated 16.09.2020 under Sections 364/34 of the Indian Penal Code corresponding Sections 302/201/120B of the Indian Penal Code being added in the charge sheet.

And

In the matter of : **Saidulla @ Saidul Halsana & Ors.**
...Petitioners

Mr. Raj Kr. Gupta.

...For the Petitioners

Mr. Swapan Banerjee,
Mr. Suman De.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Chapra P.S. Case No.333 of 2020 dated 16.09.2020 under Sections 364/34 of the Indian Penal Code corresponding Sections 302/201/120B of the Indian Penal Code being added in the charge sheet.

It is submitted by the learned Advocate for the petitioners that they have been falsely implicated in connection with the instant case whereas the principal accused is the son-in-law of the petitioner no.1. The case is based on circumstantial evidence and, therefore, the petitioners should be released on bail.

Learned Advocate appearing for the State opposes the prayer for bail and it is submitted that on the leading statement of the petitioners, the incriminating materials were recovered and, therefore, their complicity to the alleged offence cannot be ruled out.

After hearing the respective submissions and on perusal of the materials from the Case Diary including the statement of each of the

petitioners and the recovery so made, we do not think that it is a fit case where the petitioners should be enlarged on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail, being CRM 3646 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)