

23.08.2021

Court No.28
Item No.5
(REJECTED)

Saswata

CRM 3689 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Chapra Police Station Case No. 378 of 2020 dated 08.10.2020 under Sections 302/120B/34 of the Indian Penal Code;

And

In the matter of : **Fika Tarafdar**

...Petitioner.

Mr. Snehansu Majumder

...For the Petitioner

Mr. Saibal Bapuli, APP
Mr. Arani Bhattacharya

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra Police Station Case No. 378 of 2020 under Sections 302/120B/34 of the Indian Penal Code.

The petitioner pleads innocence and alleged to have been implicated in connection with the instant case on the basis of the statement of the co-accused. It is further submitted that the petitioner's name did not find place in the F.I.R. but had been apprehended for a pretty long time and there is remote chance of the trial to ensue in near future.

It is further submitted that the other co-accused have been enlarged on bail by this Court and the petitioner standing on the same footing should also be enlarged on bail.

Learned Advocate for the State opposes the prayer for bail and relies upon the leading statement of the petitioner, which led to the recovery of the offending weapon containing blood strain and the same was sent for a forensic test. The State relies upon the report of the forensic laboratory dated 16th July 2021.

After hearing the respective counsels and upon perusal of the materials available from the case diary including the cause of death revealed in the postmortem report and the leading statement of the petitioner, we do not

find that the petitioner stands on the same pedestal that of the other co-accused who have been enlarged on bail. The forensic laboratory report also prima facie discloses the complicity of the petitioner to the alleged offence.

We, thus, do not find any ground for allowing the application for bail.

The application for bail is, thus, considered and ***rejected***.

The application for bail being CRM 3689 of 2021 is, accordingly, dismissed.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)