

16.08.2021

CRM 4142 of 2021

**Court No.28
Item No.12
(Rejected)**

As/Akd

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Dhubulia Police Station Case No. 270 of 2020 dated 23.10.2020 under Sections 302/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act;

And

In the matter of : **Hasen Mondal.**

...Petitioner

**Mr. Sekhar Kr. Basu, Sr. Adv.,
Mr. Kusal Kr. Mukherjee,
Mr. Diptangshu Basu,
Ms. Pranidhi Singh.**

...For the Petitioner

**Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.**

...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 Dhubulia Police Station Case No. 270 of 2020 dated 23.10.2020 under Sections 302/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

On the last occasion, a plea was taken that the petitioner has been implicated solely on the statement of the witnesses recorded under Section 164 of the Code of Criminal Procedure where the identity of the petitioner could not be established in absence of T. I. Parade.

We had an occasion to peruse the statement of such witnesses recorded under Section 164 of the Code of Criminal procedure and we notice that there is discrepancy in the name and on the prayer of the learned Advocate for the State, the matter was adjourned to clarify such discrepancy.

Today, our attention is drawn to the charge sheet submitted before the trial court wherein Chandu Sk. has been shown as one of

the witnesses at Sl. No.24 thereof. Our attention is also drawn to the statement of the said charge sheeted witnesses recorded under Section 164 of the Code of Criminal Procedure wherein he disclosed the name of the petitioner correctly. The event narrated by him does not justify the release of the petitioner on bail, even he is languishing in jail since 7th December, 2020. The other three accused are still absconding and, therefore, the prayer for bail is rejected.

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

The application for bail, being CRM 4142 of 2021 is thus **dismissed.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)