

11.08.2021

CRM 4199 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Murshidabad P.S Case No.158 of 2020 dated 07.05.2020 under Section 341/326/307/302/34 of the Indian Penal Code, 1860.

And

In Re: **Silon Sk. Alias Shilan Alias Silan**

.....Petitioner.

For the petitioner: Mr. Sabir Ahmed,
Mr. Ali Ahsan Alamgir,
Miss. Rabia Khatoon.

For the State: Mr. Madhusudan Sur, A.P.P.,
Mr. Dipankar Paramanick.

This is an application for bail under Section 439 of the Code of Criminal Procedure filed on behalf of the petitioner in connection with aforementioned case. It is submitted by the learned Advocate for the petitioner that he has been falsely implicated in this case. Moreover, charge sheet has been submitted against him and other seven accused persons on 22nd September, 2020. Therefore, there is no need for custodial detention of the petitioner and he should be released on bail.

Learned P.P-in-Charge has opposed the prayer for bail.

Having heard the learned Advocates for the petitioner and the State and after perusing the case diary meticulously, it is found that the petitioner is the principal accused in the murder case. One of the eyewitness has got his statement recorded under Section 164 Cr.P.C. The

weapon used in crime was also recovered on the basis of leading statement to the recovery under Section 27 of the Indian Evidence Act.

Considering the extent of complicity, we find that this is not a fit case where bail should be granted. Accordingly prayer for bail is rejected at this stage.

CRM 4199 of 2021 is thus dismissed.

Bibek Chaudhuri, J.

Rajesh Bindal, C.J (Acting)