

27.09.2021

CRM 4435 of 2021

Court No.28
Item No.15
(Rejected)

Akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Chopra Police Station Case No. 455 of 2020 dated 07.07.2020 under Sections 326/307/506/34 of the Indian Penal Code adding Section 302 of the Indian Penal Code;

And

In the matter of : **Mansur Habib**

...Petitioner.

Mr. Ranjit Kumar Roy.

...For the Petitioner.

**Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta.**

...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 Chopra Police Station Case No. 455 of 2020 under Sections 326/307/506/34 of the Indian Penal Code adding Section 302 of the Indian Penal Code.

The petitioner has been incarcerated in connection with the aforementioned case for more than 400 days and filed the instant application for bail simplicitor on the ground that the son of the deceased has not disclosed the name of the petitioner as principal assailant.

The State opposes the prayer for bail.

Our attention is drawn to the statement of the eye-witnesses recorded under Section 164 of the Code of Criminal Procedure as well as the statement of the son of the deceased.

After hearing the respective submissions and perusing the statements of the eye-witnesses as well as the son of the deceased, we do not find that the way learned Advocate for the petitioner has projected the case aiming on the statement of the son of the deceased recorded under Section 164 of the Code of Criminal Procedure has any relevance for the purpose considering this application. The so-called witnesses have revealed the name of the petitioner as principal assailant and, therefore, we do not think that

it is a fit case where the petitioner should be enlarged on bail.

The prayer for bail is thus rejected.

The application for bail being **CRM 4435 of 2021** is **dismissed.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)