

07.10.2021
Item no. 17
Court No.32.
S.De.
(Rejected)

(Via Video Conference)

CRM 4724 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chopra Police Station Case No. 804 of 2020 dated 28.11.2020 under Sections 363/365/34 of the Indian Penal Code and added Section 302/201 of the Indian Penal Code.

And

In the matter of : Naimul Haque @ Dhoglu.

.....Petitioner.

Mr. Ayan Basu, Advocate,
Mr. Amit Roy, Advocate,
Mr. Kausik Choudhury, Advocate,
Mr. Sumit Routh, Advocate,

.....for the Petitioner.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dipankar Paramanick, Advocate,

.....for the State.

The petitioner seeks bail in connection with offence under Sections 363/365/34 of the Indian Penal Code and added Sections 302/201 of the Indian Penal Code.

Learned advocate for the petitioner submits that there is no direct material against the petitioner save and except circumstantial evidence. The petitioner is in custody for the last ten months and the case has not yet been committed for trial.

Learned advocate for the State opposes the prayer for bail and draws our attention to the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. He submits that as per those statements there is direct implication against the petitioner to have been last seen together with the deceased prior to his death.

We have heard learned counsel of both the sides and perused the material in the case diary.

It appears from the statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure that the petitioner was with the deceased on a motorcycle prior to the incident.

Considering such material and keeping in mind the extent of complicity of the petitioner and the nature and gravity of the alleged offence, we are not inclined to allow the prayer for bail of the petitioner.

CRM 4724 of 2021 is, accordingly, dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)