

21.12.2021

Court No.32
rpan / **225**

CRM 5474 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Kaliaganj Police Station Case no.212 of 2019 dated 16.09.2019 under Sections 143/341/447/326/302/307 of the Indian Penal Code, 1860;

And

In Re: **Ilias Mia**

– Petitioner

Mr. Sekhar Kumar Basu, Ld. Sr. Adv.,
Mr. Kusal Kumar Mukherjee,
Ms. Suchismita Dutta
... for the Petitioner.

Ms. Zareen N. Khan,
Mr. Ashok Das
... for the State.

Mr. Basu, learned senior advocate appearing for the petitioner submits that the petitioner is languishing in custody for about 611 days and there is no possibility towards early conclusion of the trial. He has been falsely implicated in the alleged incident which resulted in the death of two persons. He had no participatory role in the death of one Tayeb Ali. The other deceased person, namely, Taibur Rahaman was strangled and pertaining to his death, no overt act has been attributed to him. In the said conspectus, he may be enlarged on bail on any stringent condition.

Ms. Khan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under Section 164 of the Code as well as the post-mortem reports.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, upon an overall assessment of the materials in the case diary and role of the petitioner, we find that he is directly involved in the alleged offence. Considering the seriousness of the offence, its ramifications and the extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

The application for bail, being CRM 5474 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)