

CRM 5671 of 2021
(via video conferencing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Sadhan Das & Ors.

Petitioners

Mr. Surajit Basu
Mr. Manoj Kurmi
Ms. Ranu Mondal

.....**For the Petitioners**

Mr. Madhusudan Sur, Ld. APP
Mr. Dipankar Paramanick

.....**For the State**

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Duttapukur P.S. Case No. 135 of 2021 dated 3rd March, 2021 under Sections 302/34 of the Indian Penal Code.

The instant application is filed under Section 439 of the Code of Criminal Procedure praying for bail.

Mr. Basu, learned lawyer appearing for the petitioners submitted that some F.I.R. named persons are discharged from the charge sheet but present petitioners are falsely implicated in this case.

According to the learned lawyer, the present petitioners are in custody for 281 days. No strong incriminating materials are there against them. Accordingly, he prays for bail.

Per contra, Mr. Sur, learned lawyer representing the State submitted that strong incriminating elements are there in the case

diary directly implicating the present petitioners in the commission of the alleged crime. He further submitted that those against whom no incriminating materials are found, have been discharged. Mr. Sur relied upon the statement of the witnesses, seizure list and other materials.

We have heard the rival submissions and perused the case diary. From the statement of the witnesses, we find strong incriminating elements implicating the present petitioners directly. There are statement of the witnesses showing overt act on the part of the present petitioners in commission of the offences. Incriminating articles were recovered from the present petitioners. Although charge sheet has been filed, because of gravity and seriousness of the offence, presence of strong incriminating materials and complicity of the petitioners in the alleged offence, we are not inclined to allow the instant bail application and the same stands rejected.

We, however, give direction to the learned Court below to consider charge and dispose of the matter expeditiously preferably within a period of six months.

The application being CRM 5671 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)