

07.09.2021
tkm/ct 29
sl no. 31

C.R.M. 5825 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Mandir Bazar P.S case no. 205 of 2020 dated 27.9.2020 under sections 341/325/326/307/302/34 of the IPC
And

In Re : Ramjan Molla & Anr. petitioners

Mr. Santany Deb Roy
Mr. D Guha

..... for the petitioners

Mr. Ranabir Roy Chowdhury
Mr. R D Nandy
Mr. Mainak Gupta

..... for the State

Petitioners seek bail.

Learned advocate for the petitioners submits that, there exists a longstanding land dispute between the petitioners and the defacto complainant. Petitioners are in custody for 330 days. He submits that since charge sheet was submitted, further detention of the petitioners is not necessary.

Learned advocate for the State draws attention of this Court to the case diary and the statement recorded under section 164 Cr.P.C. He submits that one of the eye-witnesses recorded statement under section 164 Cr.P.C implicating both the petitioners.

Learned advocate for the petitioners submits that another eye-witness implicated only petitioner no. 1 in the statement recorded under section 164 Cr.P.C

Considering the facts and circumstances of the case and considering the statement recorded under section 164 Cr.P.C and the complicity of the petitioners in the alleged offence , we are not inclined to grant bail to the petitioners.

Accordingly, the prayer for bail is rejected.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)