

29.11.2021
Item no.47
Court No.32
Avijit Mitra

C.R.M. 6324 of 2021 (through video conference)

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

And

In Re : Bikram Hansda & ors.

.... petitioners

Mr. Sumanta Chakraborty,
Mr. Diptendu Mondal

....for the petitioners

Mr. Rudradipta Nandy

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Neturia Police Station Case No. 36 of 2021 dated 13.05.2021 under sections 302/34 of the Indian Penal Code.

Mr. Chakraborty, learned lawyer appearing for the petitioners submitted that the present petitioners are in custody for about 165 days. No incriminating materials are there against the present petitioners. Chargesheet has been filed, for which custodial detention of the petitioners is not necessary. Accordingly, he prays for bail.

Per contra, learned lawyer appearing for the State submitted that very strong incriminating elements are there in the case diary. The conclusion of the investigation is based upon statement of the eye-witnesses which sufficiently indicates complicity of the present petitioners in the alleged crime.

According to the learned lawyer representing the State, application for bail should not be granted.

We have heard rival submissions of the parties and perused the case diary. We find strong incriminating elements in the statements of the minor and other witnesses which directly connect the present petitioners with the alleged crime since the case is based on evidence of eye-witnesses. We fear that if the petitioners are released at this stage, whether trial is yet to be begun, there are possibility of tampering witnesses.

Considering the nature of offence, its gravity, presence of incriminating elements, we are not inclined to allow the application for bail.

Accordingly, the application for bail being C.R.M. No.6324 of 2021 is dismissed.

However, we direct the learned Trial Court to conclude the trial expeditiously.

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.)