

17.11.2021

CRM 6939 of 2021

court no. : 28
Item no. : PB-11
matter : 439
status : REJECTED
transcriber : nandy

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 25.10.2021 in connection with Pursurah Police Station Case No. 80 of 2021 dated 13.06.2021 under Sections 325/326/307/302/506/34 of the Indian Penal Code. (G.R. Case No. 737 of 2021)

and

In the matter of: **Sk. Saddam Hossain @ Sk. Saddam**

.....Petitioner

Mr. Niladri Sekhar Ghosh, Advocate

.....for the Petitioner

Mr. Rana Mukherjee, Advocate

Ms. Sujata Das, Advocate

Ms. Debjani Sahu, Advocate

.....for the State

Mr. Avik Ghatak, Advocate

Mr. Saibal Krishna Dasgupta, Advocate

.....for the de facto complainant

The petitioner has filed the instant application for bail in connection with Pursurah Police Station Case No. 80 of 2021 dated 13.06.2021 under Sections 325/326/307/302/506/34 of the Indian Penal Code.

Learned Advocate for the petitioner submits that there is variance in the statement recorded in the FIR and the statement of the de facto complainant recorded under Section 161 and 164 of the Code of Criminal Procedure. According to him, the case has been improved at every stage of investigation and the petitioner is unnecessarily languishing in jail for a period of 151 days.

Learned Advocate for the State opposes the prayer or bail. It is submitted that a person was beaten mercilessly by the petitioner and others and succumbed to the injury inflicted upon him. The eyewitnesses have disclosed the name of the petitioner in the statement under Section 164 of the Code of Criminal Procedure and, therefore, the petitioner is not entitled to be enlarged on bail.

After hearing the learned Counsel for the parties and on perusal of the materials-on-record it appears that the role of the petitioner ascribed to the commission of an offence is vividly disclosed by the injured eyewitness in his statement under Section 164 of the Code of Criminal Procedure. The conduct of the petitioner in the commission of an offence cannot be ruled out at this stage in view of the disclosure made by the eyewitness. Therefore, we do not think, it is a fit case where the petitioner should be enlarged on bail.

Accordingly, the prayer for bail is **rejected**.

The application for bail being **CRM 6939 of 2021** is thus **dismissed**.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

