

17.11.2021
Ct No. 28
D/L 18
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C.R.M. 7053 of 2021
(Via Video Conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Raiganj Police Station Case No. 408/2021 dated 23.05.2021 under Sections 302/201 of the Indian Penal Code.

In Re: **Kusumuddin Ali @ Kusumatddin,**

... petitioner

Ms. Minati Gomes,
Mr. Kazi M. Rahman,

... for the petitioner

Ms. Sukanya Bhattacharya,
Mr. Nirupam Dhali,

.... for the State

Mr. Anindya Ghosh,
Mr. Sudip Guha,
Mr. Sekhar Mukherjee,

... for the De-facto complainant

The learned Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Raiganj Police Station Case No. 408/2021 dated 23.05.2021 under Sections 302/201 of the Indian Penal Code.

Learned Lawyer for the petitioner submits that the name of the petitioner did not transpire in the First Information Report.

After the dead body of the deceased was found out, the name of the petitioner surfaced. Learned Lawyer further submits that the petitioner is innocent and he has falsely been implicated in this case. Under these circumstances, learned Lawyer submits that the petitioner may be enlarged on bail.

Learned Lawyer for the State submits that the petitioner is involved in the commission of the offence. On the leading statement of the petitioner, offending weapon as well as the 'Sleeper (Chappal)' of the deceased was recovered. As such, learned Lawyer vehemently opposes the prayer for bail.

Having heard the learned Lawyers for the parties and on perusal of the materials in the case diary, especially the statement of the accused and the seizure list, we find that there are sufficient incriminating materials against the petitioner. We are not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail stands rejected.

The application for bail being **CRM 7053 of 2021** is **dismissed**.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)