

26.11.2021
Court No.32
Item No. 03
Krishnendu
Bail Rejected

CRM 7470 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Chapra Police Station Case No. 243 of 2021 dated 16.06.2021 under sections 341/325/326/307/302/34 of the Indian Penal Code.

And

In re: **Hidat Ali Sk.**

...Petitioner

Mr. Robiul Islam

Mr. Raju Mondal

... For the Petitioner

Mr. Saibal Bapuli, Id. A.P.P.

Mr. Bibaswan Bhattacharya

...For the State

Mr. Islam, learned advocate appearing for the petitioner submits that there was a previous dispute between the parties and the petitioner herein has been falsely implicated. Two co-accused persons, similarly situated with the petitioner, had already been granted bail by a co-ordinate Bench of this Court. Upon completion of investigation, charge sheet has also been submitted and as such further detention of the petitioner, who is in custody for more than five months, is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the injured persons, as recorded under section 164 of the Code of Criminal Procedure and the injury reports.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that two co-accused persons, who had been granted bail by a co-ordinate Bench of this Court, stand on a different footing than the petitioner herein. Overt act has been attributed to the petitioner. Considering the injury reports and the statements of the injured witnesses, we are not inclined to exercise any discretion in favour of the petitioner and as such his prayer for bail is refused at this stage.

The application for bail, being CRM No. 7470 of 2021, is, accordingly, 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.)