

CRM No.7518 of 2021

Via video conference

01.12.21

(S.R.)

Sl.159

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Chakdaha** Police Station Case No.230 of 2021 dated 01/06/2021 under Sections 302/34 of the Indian Penal Code and under Sections 25/27 of the Arms Act;

And

In re: Prokash Biswas @ Nisha

... petitioner.

Mr. Gouranga Kumar Das

... for the petitioner.

Mr. Neguive Ahmed

Ms. Trina Mitra

...for the State.

The learned advocate appearing for the petitioner submits that the petitioner's prayer for bail was last rejected on 7th October, 2021 since it was disputed by the learned advocate appearing for the State that charge sheet had been submitted. However, charge sheet was submitted in the month of August, 2021. Out of 9 accused persons 4 have already been enlarged on bail. The allegations levelled against the petitioner are *omnibus* in nature and as upon completion of investigation charge sheet has already been submitted, further detention of the petitioner, who is in custody for about five months is not necessary.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statements of witnesses and the post-mortem report.

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

Prima facie, it appears that there are strong incriminating materials against the petitioner. Considering the gravity of the offence, the nature of allegations and the extent of complicity of the petitioner

in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

The application for bail being CRM No.7518 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.)