

23.11.2021
Court No.32
rpan / 21

CRM 7546 of 2021

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

And

In Re : **Amit Kumar Ram**

- Petitioner.

Mr. Jaydeep Biswas,
Mr. Kaushik Ghosh
... for the Petitioner.

Mr. Saibal Bapuli,
Mr. Bibaswan Bhattacharya
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Garfa Police Station Case No. 07 of 2019 dated 06.01.2019 under Section 302 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the alleged incident occurred on the spur of the moment without intending the consequence thereof. The petitioner himself is also suffering from serious ailments. In the said conspectus, further detention of the petitioner, who is already in custody for 2 years 10 months, is not warranted, more so when, upon completion of investigation charge sheet has been submitted.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the deceased recorded under Section 164 of the Code of Criminal Procedure as well as the post-mortem report. He further submits that there are materials on record which clearly indicate direct involvement of the petitioner in the alleged offence.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary including the statement of the deceased as recorded under section 164 of the Code of Criminal Procedure. Considering the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and his prayer for bail is refused at this stage.

The application for bail, being CRM No.7546 of 2021 is 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.)