

21.12.2021
Court No.32
Item No. 271
Avijit Mitra

C.R.M. 7635 of 2021

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

And

In Re : Yeakub Molla

Petitioner

Mr. Dipayan Kundu

..For the Petitioner

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick

...For the State

Mr. Kallol Kumar Bose

....For the *de facto* complainant

The present application for bail under Section 439 of the Code of Criminal Procedure has been preferred in connection with Haroa Police Station Case No.145 of 2021 dated 09.04.2021 under Sections 326/307 of the Indian Penal Code read with Sections 25 and 27 of the Arms Act subsequently added Section 302 of the Indian Penal Code.

Mr. Kundu, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The petitioner has a family and there is no likelihood that he would flee from justice or delay the trial by abscondence. Upon completion of investigation chargesheet has also been submitted and as such, further detention of the petitioner, who is in custody for 256 days, is not warranted.

Mr. Paramanick, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the

statement of the witnesses as recorded under Sections 161 and 164 of the Code, the injury report and the *post-mortem* report.

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

Prima facie, there are strong incriminating materials against the petitioner and overt act had been attributed to the petitioner. Considering the seriousness 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.

Accordingly, the application for bail, being CRM No. 7635 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)