

13.12.2021
Court No.32
Item No. 31
Avijit Mitra

C.R.M. 7726 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kaliganj Police Station Case no. 266 of 2021 dated 16.05.2021 under Sections 302/201/34 of the Indian Penal Code;

And

In Re : Enamul Sk. & anr.

Petitioners

Mr. Asraf Mondal

..For the Petitioners

Mr. Binay Panda,
Ms. Puspita Saha,
Mr. S. Mahapatra

...For the State

Learned lawyer for the petitioners submitted, that the present petitioners are in custody for 210 days. The whole case is based on circumstantial evidence. There is no evidence directly implicating the present petitioners to the alleged crime. Hence, bail is prayed for by the learned lawyer representing the petitioners.

Per contra, learned lawyer representing the State submitted that both the petitioners had illicit relationship which was the motive of murder of husband of the petitioner no.2. She further submitted that strong incriminating elements are there in the case diary which do not warrant allowing bail to the present petitioners.

We have perused the case diary and other materials. We find incriminating elements implicating the present petitioners in the alleged crime. The allegation is very grave and serious. Therefore,

we are not inclined to enlarge the present petitioners on bail and the same stands dismissed.

We, however, direct the learned Chief Judicial Magistrate, Nadia to commit the matter immediately, on receiving a copy of this order if not done. We further direct that on commitment charge will be considered within a period of one month from the date of commitment.

Accordingly, the application for bail, being CRM No. 7726 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)