

24.12.2021
Court No.32
Item No. 14
Avijit Mitra

C.R.M.7781 of 2021

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

And

In Re : Raj Chakraborty

Petitioner

Mr. Prasenjit Mukherjee,
Ms. Poulumi Datta,
Ms. Tiyaasa Ghosh

For the Petitioner

Mr. Binay Panda,
Ms. Puspita Saha

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Madhyamgram Police Station Case No. 170 of 2019 dated 13.04.2019 under sections 302/34 of the Indian Penal Code.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is an employee in a Rehabilitation Centre where the alleged incident occurred. The petitioner has no nexus with the alleged offence. The allegations are omnibus in nature and upon completion of investigation chargesheet has also been submitted. In the said conspectus, further detention of the petitioner, who is in custody for more than 2 years and 6 months, is not warranted.

Ms. Saha, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of

the witnesses, the *post-mortem* report and other materials in the case diary.

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. The petitioner's prayer was earlier rejected by a Coordinate Bench of this Court on 28th July, 2021. There had been no substantial change in the circumstances subsequent thereto. Considering the seriousness of the offence and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour.

Accordingly, the application for bail, being CRM No.7781 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)