

CRM 7805 of 2021
(via video conference)

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

And

In Re : Moutushi Debnath

.....Petitioner

Mr. Anisur Rahman

.....for the Petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

.....for the State

On being detained in custody for about 336 days the present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Nowda P.S. Case No. 13 of 2021 dated 13.01.2021 under sections 363/365/34 of the Indian Penal Code.

The learned lawyer appearing for the petitioner submitted that charge sheet in this case has been filed. The present petitioner is not involved in the alleged offence. There is hardly any incriminating materials against the present petitioner and she has no nexus in the alleged offence in this regard. Trial has not yet commenced. Charge sheet has been filed. Therefore, custodial detention is not necessary. Accordingly, learned lawyer for the petitioner submitted that the petitioner may be released on bail.

Per contra, the learned lawyer representing the State submitted that there are incriminating materials against the present petitioner who is involved in the alleged offence and has a direct nexus with the same. According to him, the allegation is

serious in nature and the present petitioner is a conspirator. Therefore, he strongly opposed the prayer for bail.

We have heard the rival submissions and perused the case diary. We have perused the statement of witnesses, statement of the principal accused coupled with the seizure memo and other materials. We find that there are strong incriminating materials to connect the present petitioner with the alleged offence. Even though charge sheet has been filed, considering the seriousness and gravity of offence, presence of incriminating materials against the present petitioner, we are not inclined to allow the bail at this stage and the same stands rejected.

The application being CRM 7805 of 2021 is dismissed.

However, we direct the learned Additional Chief Judicial Magistrate, Tehatta to commit the matter within a period of one month from the date of receiving of this order, if not done already and direct the learned Sessions Judge to consider charge within one month from the date of commitment.

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.)