

CRM 7930 of 2021
(via video conference)

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

And

In Re : Dildar Sk.

.....Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

.....for the Petitioner

Mr. Saibal Bapuli, Ld. APP
Mr. Bibaswan Bhattacharya

.....for the State

After 127 days custody, the instant application is filed by the petitioner under Section 439 of the Code of Criminal Procedure for release on bail in connection with English Bazar P.S. Case No. 998 of 2021 dated 16.08.2021 under Section 302 of the Indian Penal Code praying for grant of bail.

The learned lawyer for the petitioner submitted that charge sheet has been filed for which further custodial detention is not necessary. There is no prospect of immediate commencement of trial. It is further submitted that there are dearth of incriminating materials against the present petitioner and the present petitioner is falsely implicated. Therefore, he prayed for grant of bail.

Per contra, the learned lawyer representing the State submitted that strong incriminating materials are there in the case diary. The present petitioner made confessional statement on the basis of which recoveries were made. Since the allegation is grave and serious, the petitioner should not be enlarged on bail.

We have perused the case and diary and heard the rival submissions. We are not unmindful of the fact that charge sheet has been filed indicating the closure of investigation. But that itself should not be a criteria for grant of bail. We found that strong incriminating materials are there against the present petitioner based on the statement of witnesses including extra-judicial confession of the accused. Since the allegation is grave and serious, we cannot rule out any chance of absconding. Therefore, at this stage, we are not inclined to allow the bail to the present petitioner. accordingly, the prayer for bail is refused.

The application being CRM 7930 of 2021 is dismissed.

We direct the learned Chief Judicial Magistrate, Malda to commit the matter before the Sessions Court within a period of one month from date of receiving of this order and direct the learned Sessions Judge to consider charge within a period of 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.)