

CRM No.7998 of 2021

Via video conference

24.12.21

(S.R.)

Sl.29

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Topsia** Police Station Case No.68 of 2021 dated 20/05/2021 under Sections 307/34 of the Indian Penal Code;

And

In re: Md. Arshad

... petitioner.

Mr. Pawan Gupta
Miss. Farnaz Nasim

... for the petitioner.

Mr. P.K. Datta, APP
Mr. Santanu Deb Roy

...for the State.

Mr. Gupta learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act is attributable to the petitioner. A co-accused, namely, Kunal Lal @ Babla had already been enlarged on bail by a Coordinate Bench of this Court on 20th December, 2021. Upon completion of investigation charge sheet has also been submitted. As such, further detention of the petitioner, who is in custody for about 215 days, is not warranted.

Mr. Deb Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as recorded under Section 164 of the Code. He further submits that the petitioner has criminal antecedents. In one case being Entally Police Station Case No.188 of 2021 dated 17th May, 2021, his prayer for bail was rejected by a Coordinate Bench of this Court on 22nd December, 2021.

On perusal of the case diary *prima facie*, we find strong incriminating materials against the petitioner. Upon assessment of his role, we find that he is not similarly situated with Kunal Lal @ Babla, who was granted bail by a Coordinate Bench of this Court.

Considering the seriousness of the offence and the extent of the petitioner's complicity in the same, we are not inclined to exercise any discretion in his favour and his prayer for bail is refused at this stage.

The application for bail being CRM No.7998 of 2021 is, accordingly, 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.)