

10.12.2021

163  
sdas  
rejected

C.R.M. 8305 of 2021  
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Barasat Police Station Case No. 637 of 2021 dated 06.09.2021 under Section 302 of the Indian Penal Code.

And

In Re : Jaydeb Saha ..... petitioner

Mr. Ronit Mukherjee  
... for the petitioner

Mr. Swapan Banerjee  
Ms. Purnima Ghosh  
... for the State

Mr. Angshuman Chakraborty  
Mr. Shasanka Shekhar Saha  
.... for the defacto complainant

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for 94 days. Investigation is complete. There is no direct evidence connecting the petitioner with the alleged crime.

Learned Counsel appearing for the State opposes prayer for bail.

Learned Counsel appearing for the de facto complainant also opposes prayer for bail.

We have considered materials on record. Statements of witnesses show that the petitioner was seen near the place of occurrence soon after the incident. Phone call had also been received at the police station wherein someone

introduced himself as the petitioner and admitted his guilt.  
Incriminating articles have also been seized.

In view of the aforesaid facts and circumstances of the case and the gravity of the offence, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

**(Bivas Pattanayak, J.)**

**(Joymalya Bagchi, J.)**

C.R.M. 192 of 2018

In Re.: An application under Section 439 of the Code of Criminal Procedure filed on 05.01.2018 in connection with Karimpur Police Station Case No. 136 of 2012 dated 03.07.2012 under Sections 420/467/468/471/120B of the Indian Penal Code.

And

In Re : Rabish Kumar Upadhyay ..... petitioner

Mr. Asraf Ali

... for the petitioner

Mr. Debojyoti Deb

... for the State

Having considered the materials on record prima facie disclosing involvement of the petitioner in the alleged crime of misappropriation of monies of the innocent depositors and the fact that the petitioner has absconded for a protracted period of time, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

**(Rajarshi Bharadwaj, J.)**

**(Joymalya Bagchi, J.)**

