

16.03.2021.
36.
as
(Rejected)

C.R.M. 6908 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanchal P. S. Case No.1078 of 2019 dated 13.12.2019 under Sections 302/201 of the Indian Penal Code.

In the matter of : Subrata Baisyamali.

.... Petitioner.

Mr. Sekhar Kr. Basu, Sr. Adv.,
Mr. Pritam Roy,
Ms. Arushi Rathore.

...for the Petitioner.

Mr. Rana Mukherjee,
Ms. Sujata Das.

...for the State.

Mr. Amita Gaur,
Mr. Sujit Gupta.

...for the de-facto complainant.

This is an application for bail in connection with Chanchal P. S. Case No.1078 of 2019 dated 13.12.2019 under Sections 302/201 of the Indian Penal Code at the behest of the petitioner.

Mr. Basu, learned Senior Advocate appearing for the petitioner submits that he is in custody for about 446 days and other co-accused persons who have been implicated in this case have already been released on bail by the learned Sessions Judge. It is submitted by the learned Advocate that the petitioner has been falsely implicated in the instant case on the basis of materials which are not admissible in evidence and

as such, he may be released on bail as the case is yet to be committed to the Court of Sessions.

Mr. Mukherjee, learned Advocate appearing for the State opposes the prayer for bail and draws attention of the Court to the statement recorded under Section 164 of the Code of Criminal Procedure as well as the seizure list. According to the learned Advocate, all these materials are incriminating so far as the present petitioner is concerned.

We have perused the materials on record as also the earlier order passed by a Co-ordinate Bench of this Court in C.R.M.4120 of 2020. We also find that the leading statement of the petitioner led to discovery of the personal effects of the victim and there are statements not only of the co-accused under Section 164 of the Code of Criminal Procedure but also of other witnesses which prima facie establish the complicity of the petitioner thereby not entitling him to be released on bail at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

(Harish Tandon , J.)

(Tirthankar Ghosh, J.)

