

12.02.2021
Court No.28
Item No. 14
Krishnendu
Bail Rejected

**CRM 10069 of 2020
(Via video Conference)**

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

And

In Re : **Buddhadeb Das @ Raja**

Petitioner

Mr. Uday Chandra Jha
Mrs. Maheswari Sharma
Mrs. Tulika Roy

For the Petitioner

Mr. Neguive Ahmed, Id. A.P.P.
Ms. Amita Gaur

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Panchasayar Police Station Case No. 20 of 2020 dated 17.03.2020 under Sections 120B/302/324/34/212 of the Indian Penal Code.

Mr. Jha, learned advocate appearing for the petitioner submits that the petitioner is in custody for 280 days and the present stage of the case is for recording of evidence after framing of charge. The petitioner has been falsely implicated and the initiation of the case is on trivial ground. It is further submission of the learned advocate for the petitioner that on the basis of the statements of two of the witnesses, the present petitioner has been implicated in this case and the said witnesses do not inspire confidence warranting further detention of the petitioner.

Mr. Ahmed, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court

to the statements of the witnesses referred to by the learned advocate for the petitioner. Additionally, the learned advocate also draws the attention of this Court to the statement of Pradip Dhar, recorded under section 164 of the Code of Criminal Procedure and produces the certificate under section 65B of the Indian Evidence Act in respect of the call details of the present petitioner and other accused persons and the close proximity of time when the alleged offence was committed. The learned advocate further submits that the petitioner also absconded to Bihar.

Having regard to the materials available in the case diary, the genesis of the case, the manner in which the incident has taken place, the conduct of the petitioner and the stage of the present case, we are not inclined to release the petitioner on bail at this stage. As such, the prayer for bail of the petitioner is rejected.

Accordingly, the application for bail, being CRM No. 10069 of 2020, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)