01.07.2021
Court No.30
rpan **/ 68**

C.R.M. No. 10687 of 2020
(Via video Conference)

In Re:- An application under section 439 of the Code of Criminal Procedure filed in connection with Mothabari Police Station Case no. 187 of 2020 dated 19.05.2020 under Sections 302/34 of the Indian Penal Code;

And

In Re : **Mir Rejaul Ali**

...Petitioner.

Mr. Sourav Chatterjee,
Mr. Sagar Saha
... for the Petitioner.
Mr. Rana Mukherjee,
Ms. Sujata Das,
Ms. Debjani Sahu
...for the State.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the name of the petitioner is *'Mir Rejaul Ali'* but, in the cause title, his name has been mistakenly incorporated as *'Mir Rejaul Ali @ Rijul'*. In support of such contention he has drawn the attention of this Court to the complaint annexed at page 11 of the application.

He accordingly prays for leave to make necessary correction in the cause title.

Such prayer is considered and allowed.

Leave is granted to the learned advocate-on-record of the petitioner to correct the name of the petitioner in the cause title.

Mr. Chatterjee submits that the petitioner has been falsely implicated. No overt act has been attributed to the petitioner, as would be explicit from the contents of the complaint lodged by an eyewitness. Placing reliance upon an order dated 25th November,

2020, passed in CRM No. 7953 of 2020, Mr. Chatterjee submits that Mir Jumman Ali and Abrul stabbed the victim. Let a copy of the said order, as produced, be kept on record.

He further submits that the offending weapon was recovered from the possession of one Mir Jumman Ali. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for about four hundred days, is not necessary.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

We have heard the learned advocates appearing for the respective parties and considered the materials on record, including the statements of witnesses, as recorded under Section 161 of the Code of Criminal Procedure as well as the contents of the complaint.

Prima facie, there are materials on record which reveal the direct involvement of the petitioner in the alleged offence. Considering the gravity of the offence, the post-mortem report and the extent of involvement of the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail, being CRM No. 10687 of 2020, is, accordingly, dismissed.

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

(Suvra Ghosh, J.) **(Tapabrata Chakraborty, J.)**