

09.03.2021
Court No.28
Item No. 13
Krishnendu
Bail Rejected

**CRM 10836 of 2020
(Via video Conference)**

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

And

In Re : **Rahul Singh**

Petitioner

Mr. Sekhar Basu, Id. Sr. Adv.

Mr. Diptangshu Basu

Ms. Suchismita Datta

For the Petitioner

Mr. Neguive Ahmed, Id. A.P.P.

Mrs. Amita Gaur

For the State

Mr. Sourav Chatterjee

Mr. Avik Ghatak

Mr. Saibal Kr. Dasgupta

For the de facto complainant

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Chittaranjan Police Station Case No. 22 of 2020 dated 17.07.2020 under sections 302/34/120B/201 of the Indian Penal Code read with section 27 of the Arms Act.

Mr. Basu, learned senior advocate for the petitioner strenuously argues that the petitioner was first arrested on 17th July, 2020 and it is only after his arrest, the investigating agency collected materials thereby framing him in the instant case. The further argument of Mr. Basu is that there are no iota of material, so far as the present petitioner is concerned, so as to bring him within the ambit of the alleged offence of conspiracy. According to him, the petitioner has no relationship with the rest of the

accused persons and he is the Office Superintendent (Stores Department), Chittaranjan Locomotive Works where he has been working *bona fide* since the year 2015. The petitioner, according to him, is in custody for about 240 days and the investigation having been concluded and the case being committed to the Court of Sessions, further detention of the petitioner is unwarranted in connection with the instant case.

Mr. Ahmed, learned advocate for the State opposes the prayer for bail and draws the attention of the Court to the statements of various witnesses, who have been cited. He further submits that the petitioner was seen in close association with other accused persons just prior to the incident. The learned advocate additionally submits that the case is at a crucial stage and if the petitioner is released on bail at this stage, the trial of the case would be jeopardized.

Mr. Chatterjee, learned advocate for the *de facto* complainant is present in Court.

We have taken into account the materials available in the case diary and considered the submissions of the rival parties. On an assessment of the materials available in the case diary, so far as the present petitioner is concerned, we are, *prima facie*, of the opinion that there are incriminating materials appearing against the present petitioner. We also find that the case is proceeding towards the stage of consideration of charge. Having regard to the materials appearing against the present petitioner and the stage of the case, we are not inclined to release the petitioner on bail at this stage.

Accordingly, the application for bail, being CRM 10836 of 2020, is rejected.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)