

09.02.2021

Item no.21
Court No.28
Avijit Mitra

C.R.M.10838 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with English Bazar Police Station Case No.881 of 2019 dated 01.08.2019 under Sections 302/201/120B of the Indian Penal Code;

And

In Re : Saidul Ali @ Sayed Ali & anr.

.... petitioners

Mr. Kallol Mondal,
Mr. Musharraf Alam Sk.

....for the petitioners

Mr. Saibal Bapuli,
Ms. Sayanti Santra

..... for the State

The learned advocate appearing for the petitioners submits that the petitioner no.1 is in custody since September, 2019 and the petitioner no.2 is in custody since February, 2020. Learned advocate further submits that although the case has been committed but there has been no progress even after such long detention of the present petitioners. According to the learned advocate for the petitioners that there are no eye witnesses to the incident and the case is based wholly on substantial evidence.

Learned advocate appearing for the State opposes the prayer for bail and draws the attention of the Court to the statement of the witnesses and the circumstances regarding involvement of the present petitioners. He also points out that the present petitioners were involved in a highway robbery and

in furtherance of such act they committed the offence under Section 302 of the Indian Penal Code in respect of the driver of the vehicle. Learned advocate also draws the attention of this Court to the statement of a S.I. of Police wherein it has been shown to us that there was unloading which were being carried out at the instance of the petitioner no.2 and the petitioner no.1 was involved in aiding the petitioner no.2.

Having regard to the materials collected by the investigating agency and the witnesses supporting substantially, which *prima facie* incriminates the present petitioners in respect of the alleged offence, we are of the opinion that this is not a fit case for releasing the present petitioners. As such the prayer for bail of the petitioners are rejected.

The case diary be returned to the learned advocate appearing for the State.

The application for bail being C.R.M. No.10838 of 2020 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)