

18.03.2021.
Item No.44
(Rejected)
ab

C.R.M. 11228 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.12.2020 in connection with Ausgram P.S. Case No. 138 of 2020 dated 10.06.2020 under Sections 341/326/307/302/34 of the Indian Penal Code;

And

In the matter of : **Dalim Sk. and another.**

... petitioners.

Mr. Sudipto Moitra,
Mr. Sujoy Sarkar.

...For the petitioners.

Mr. Madhusudan Sur,
Mr. Dipankar Pramanick.

...For the State.

Mr. Mujibar Ali Naskaaar,
Mr. G. K. Chowdhury.

...For the defacto complainant.

The Advocate-on-Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

This is an application for bail in connection with Ausgram P.S. Case No. 138 of 2020 under Sections 341/326/307/302/34 of the Indian Penal Code at the behest of the petitioners.

The learned Advocate for the petitioners submits that the petitioners are in custody from 31st August 2020 and 2nd September 2020 respectively. It is further submitted that the petitioners were not named in the First Information Report and their names have been subsequently inserted by way of statement of the witnesses in the charge-sheet. Additionally, it has been submitted that the three of the accused persons, who were arrested and named in the charge-sheet, have already been released on bail, more particularly, the person

under whose leadership the incident has occurred has already been granted bail.

Mr. Madhusudan Sur, learned Advocate for the State, opposes the prayer for bail and draws attention of this Court to the statement of the eyewitnesses as well as the injured witness.

We have perused the materials in the case diary and assessed the role of the present petitioners, although the petitioners were not named in the First Information Report but their specific role has been described by the eyewitnesses as well as the injured witness.

Having regard to the same and the stage of the case, we are not inclined to release the petitioners at this stage.

Accordingly, the application for bail being CRM 11228 of 2020 is **rejected**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)