

CRM 124 of 2021
(Through Video Conference)

Raja Ray & Ors. Petitioners
Vs.
The State of West Bengal ... Respondent

Mr. Hillol Saha Podder, Advocate
...for the Petitioners. Present in Court.

Mr. Sourav Ganguly,
Mr. Abhijit Sarkar and
Ms. Namrata Das, Advocates
...for the State. Present in Court.

The present application has been filed for grant of pre-arrest bail to the petitioners, who have been arrayed as accused, in Alipurduar P.S. Case No.01 of 2018 dated 02.01.2018 registered under Sections 302/34 of the Indian Penal Code.

The argument raised by the learned counsel for the petitioners is that though they have been named in the FIR but not specific role has been attributed to them. The matter was reported to the police by the wife of the deceased, who was the eye-witness in the incident. The same was found to be false as during investigation even the main accused was not found to be involved in the murder of the husband of the complainant. He was discharged by the police. Charge-sheet has been filed against the petitioners. The aforesaid facts clearly established that it was a faulty investigation, where the petitioners have been falsely implicated.

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On the other hand, learned counsel for the respondent submitted that specific allegations have been made against all the accused in the complaint made to the police. The post-mortem report of the deceased shows multiple injuries with sharp edge weapon, which were not possible by one person. Merely because one of the accused named in the FIR has been discharged by the police no right accrues to the petitioners to claim that they are not involved in the crime. Hence, they do not deserve concession of pre-arrest bail.

After hearing learned counsel for the parties, we do not find it to be a fit case for grant of pre-arrest bail to the petitioners. There are specific allegations in the complaint made to the police that nine accused had killed husband of the complainant where multiple injuries were inflicted with sharp edge weapon. It is supported by the post-mortem report of the deceased. Merely because some of the accused in the FIR have been discharged by the police while filing charge-sheet, will not give right to the petitioners to claim that they are not involved in the crime.

No case is made out for granting pre-arrest bail to the petitioners.

The present application is, accordingly, dismissed.

(Rajesh Bindal, J.)

(Saugata Bhattacharyya, J.)