

**20.09.2021**

Court No.01  
rpan / **28**

**CIRCUIT BENCH OF CALCUTTA HIGH COURT  
AT JALPAIGURI**

**C.R.M. 523 of 2021**

In Re : **Panchu Oraon & Another**  
....Petitioners.

Mr. Sudip Guha  
... for the petitioner.  
Mr. Arun Kumar Sarkar,  
Mr. Aniruddha Biswas  
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Banarhat Police Station Case No.217 of 2020 dated 07.11.2020 under Sections 448/302/34 of the Indian Penal Code.

Mr. Guha, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. They have already suffered incarceration for about ten months. The allegations levelled against them are unfounded. Upon completion of investigation, charge-sheet has also been submitted and in view thereof, further custodial detention of the petitioners is not warranted in the facts and circumstances of the case.

Mr. Biswas, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary, including the statements of the witnesses, as recorded under Sections 161 and 164 of the Code of Criminal Procedure and the post-mortem report.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in their favour. Accordingly, their prayer for bail is refused at this stage.

The application for bail, being CRM 523 of 2021, is dismissed.

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

**(Abhijit Gangopadhyay, J.)      (Tapabrata Chakraborty, J.)**