

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

30.09.2021
Court No.01
Item No.27
Avijit Mitra

**CRM 979 of 2021
Through Video Conference**

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

In Re : Titu Talukdar

..... petitioner

Mr. Sudip Guha

..... for the petitioner

Mr. Ujjwal Luksom,
Mr. Saikat Chatterjee

..... for the State

The present application has been preferred in connection with Mathabhanga Police Station Case No.380 of 2020 dated 17.09.2020 under Sections 147/148/149/324/326/302 of the Indian Penal Code.

Mr. Guha, learned advocate appearing for the petitioner submits that there was a previous land dispute between the parties and in view of the subsisting enmity, the petitioner has been falsely implicated. Out of four co-accused persons, one Sukesh Talukdar and one Nandalal Sarkar have been granted bail by Hon'ble Coordinate Benches of this Court. One Manab Sarkar and one Swadesh Talukdar have been granted bail by the learned Court below. Upon completion of investigation chargesheet has already been filed and as such, further detention of the petitioner, who is in custody for more than 10 months, is not necessary.

He further submits that there was a case and counter case between the parties and draws our attention to the complaint

lodged by the petitioner's mother pertaining to the self-same incident.

Mr. Luksom, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner led the entire group and they were armed with weapons and they committed the offence, as would be explicit from the statement of an eye-witness, namely, Bimal Sarkar. The offending weapon was also recovered from the house of the petitioner herein. In support of such contention reliance has been placed upon the seizure list and the statements of the eye witnesses.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary. It appears that Nanda Lal Sarkar was granted bail as he was not named by the injured witnesses and one Sudesh Talukdar was granted bail considering that he is a student and his educational career may be seriously hampered.

The petitioner has been named by the eye-witnesses. The offending weapon was recovered from the house of the petitioner herein. *Prima facie*, the petitioner's culpability is, thus, explicit from the materials on record. Considering the gravity of the offence, the statements of the eye-witnesses and the extent of complicity of the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner and as such, his prayer for bail is refused, at this stage.

The application for bail being CRM 979 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.)