

31.01.2022

Sl. 38

Court No.29

sourav

(Rejected)

C.R.M. (DB) 51 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.01.2022 in connection with **Nakashipara** P.S. Case No. **433 of 2021** dated **25.08.2021** under Sections 302/201/34 of the Indian Penal Code.

And

In the matter of: Samrat Sk. and Anr.

....petitioners.

Mr. Sumanta Das

...for the petitioners.

Mr. Neguive Ahmed

Ms. Trina Mitra

...for the State.

Petitioners seek bail.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated. He submits that going by the statement recorded under Section 164 of the Criminal Procedure Code of the person claiming to be an eyewitness, the petitioner no. 2 is not named. He submits that the petitioners are in custody for 160 days.

Learned Additional Public Prosecutor appearing for the State submits that the victim was last seen with the two petitioners. The mobile phone of the victim was recovered from the possession of the petitioner no. 1. He draws the attention of the Court to the statements recorded under Section 161 of the Criminal Procedure Code as also under Section 164 of the Criminal Procedure Code implicating both the petitioners.

Considering the gravity of the offence and the complicity of the petitioners therein as appearing from the materials of the case diary, we are unable to grant bail to the petitioners.

Accordingly, the prayer for bail of the petitioners is rejected.

C.R.M. (DB) 51 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

