

18.02.2022

Court No.32
rpan /25

CRM (DB) 61 of 2022

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

And

In Re : **Ramesh Sardar @ Hansa**
- Petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder
... for the Petitioner.

Mr. Neguive Ahmed,
Ms. Amita Gaur
... for the State.

Mr. Sabyasachi Chatterjee,
Mr. S. Das
... for the De Facto Complainant.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Sonarpur Police Station Case No. 118 of 2020 dated 06.02.2020 under Sections 302/195A/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated due to previous enmity. Co-accused persons, similarly situated with the petitioner, had already been granted anticipatory bail by the learned sessions judge. Upon completion of investigation charge sheet has been submitted. As such, further detention of the petitioner, who is in custody for more than 225 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as recorded under Sections 161 and 164 of the Code as well as the seizure list and the post-mortem report.

Mr. Chatterjee, learned advocate, enters appearance on behalf of the *de facto* complainant and opposes the petitioner's prayer.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary, including the statements of the witnesses as recorded under section 164 of the Code.

Prima facie, it appears that there are strong incriminating materials against the petitioner. Considering the seriousness of the offence, the nature of injury and the possible extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

The application for bail, being CRM (DB) 61 of 2022, is dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)