

Via video conference

21.02.22

(akb)

Sl.26

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Kulti** Police Station Case No.427 of 2021 dated 26.08.2021 under Section 302 of the Indian Penal Code and under Sections 25/27 of Arms Act;

And

In re: Devraj Pandey @ Tinku

... petitioner.

Mr. Bhaskar Seth

Mr. Prabir Rej

... for the petitioner.

Mr. Nugive Ahmed

Ms. Trina Mitra

... for the State.

Mr. Seth, learned lawyer appearing for the petitioner submitted that the present petitioner has been falsely implicated in this case on the basis of a fabricated story. There is hardly any material against the present petitioner implicating him in the alleged offence. He further submitted that the petitioner is in custody for about 179 days. Charge sheet has been submitted. There is no necessity for further custodial detention as investigation is complete. He further submitted that there is no chance of immediate commencement of trial. Accordingly, learned lawyer prays for bail.

Per contra, Mr. Ahmed, learned lawyer appearing for the State submitted that strong incriminating elements are there against the present petitioner and that the present petitioner is the mastermind of the alleged offence. Inviting our attention to the statements of the witnesses including that victim's wife's statement, as recorded under Section 161 of the Cr.P.C. and the statements of the accused persons leading to recovery of incriminating articles, he strongly opposed the prayer for bail.

We have heard rival submissions and perused the case diary.

It appears that strong incriminating elements are there against the present petitioner in the alleged offence indicating his direct complicity. It further appears that the offence is very grave and serious. Considering the nature of gravity, seriousness of the offence and the extent of alleged participation of the present petitioner in the alleged offence, we are not inclined to allow the bail to the present petitioner and the same stands rejected.

However, we request the learned Sessions Judge, Paschim Bardhaman to consider the charges within a period of one month from the date of communication of this order and, if the charges so framed, to expedite the trial thereafter.

The application for bail being CRM(DB) No.101 of 2022 is, accordingly, 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.)