

CRM(DB) No.151 of 2022

Via video conference

25.02.22

(S.R.)

Sl.30

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Nabagram** Police Station Case No.150 of 2021 dated 14/06/2021 under Sections 448/302/34 of the Indian Penal Code (G.R. No.1775 of 2021);

And

In re: Belal Sk. @ Rashikul Sk. & Anr.

... petitioners.

Mr. Debapriya Samanta

Mr. Samrat Ghosh

... for the petitioners.

Mr. Saibal Bapuli, Ld. APP

Mr. B. Bhattacharya

...for the State.

Mr. Samanta, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in view of previous enmity. A counter case was also lodged pertaining to the same incident. Upon completion of investigation charge sheet has already been submitted and as such, further detention of the petitioner no.1 and the petitioner no.2, who have already suffered incarceration for 247 days and 181 days respectively, may not be necessary and they may be enlarged on bail on any stringent condition.

Mr. Bapuli, learned advocate appearing for the State opposes the petitioners' prayer and submits that the petitioners are directly involved in the alleged offence. On their leading statements, the offending weapons have been seized. In view thereof, the petitioners are not entitled to the relief, as prayed for.

Heard the learned advocates and considered the materials on record.

Prima facie, we find strong incriminating materials on record against the petitioners. Considering the seriousness of the offence and as offending weapons had been recovered on the basis of their leading

statements, we are not inclined to exercise discretion in favour of the petitioners. As such, their prayer for bail is refused at this stage.

Answering our query, Mr. Bapuli informs this Court that the date of framing of charges has been framed on 10th March, 2022.

In view thereof, the learned court below is directed to take up the issue of consideration of charges on the date fixed without granting any unnecessary adjournment to either of the parties. In the event, the charges are framed, the learned court below shall expedite the trial.

The application for bail being CRM(DB) No.151 of 2022 is, accordingly, disposed of.

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.)