

28.02.22

(S.R.)

Sl.55

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Krishnaganj** Police Station Case No.255 of 2021 dated 18.10.2021 under Sections 302/34 of the Indian Penal Code;

And

In re: Priyanka Ghosh @ Tuki

... petitioner.

Mr. Prabir Majumder

... for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasak Banerjee

...for the State.

Mr. Majumder, learned lawyer appearing for the petitioner submitted that the present petitioner is in custody for 132 days. Charge sheet has been filed. Further custodial detention is not necessary. The present petitioner is falsely implicated. One of the co-accused is on bail granted by the Juvenile Justice Board. Another co-accused also is on bail. The present petitioner is on the same footing as on the others. Therefore, she should be released on bail also. Accordingly, bail is prayed for on any stringent condition.

Mr. Ghosh, learned lawyer appearing for the State opposed the bail application on the ground that even though charge sheet has been filed the allegation is very grave and serious. Inviting our attention to the statements of the witnesses recorded under Section 161 as well as 164 of the Code of Criminal Procedure and other incriminating materials, he submitted that the present petitioner has direct complicity in the alleged offence and she should not be released on bail.

We have heard rival submissions and perused the case diary. We have also perused the statements of the witnesses recorded under Section 164 and other witnesses recorded under Section 161.

On perusal of the statements of the witnesses, we find strong

incriminating materials against the present petitioner implicating him directly in the alleged offence. Even though charge sheet has been filed, we are not inclined to allow bail to the petitioner herein, considering seriousness of allegation, it's gravity and complicity of the present petitioner in the alleged offence, *prima facie*.

The application for bail being CRM(DB) No.209 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.)