

CRM (DB) 226 of 2022
(via video conference)

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

And

**In Re : Rajaule Hoque @ Rejaul Hoque @ Nur
Selim @ Rejaul Haque @ Nur Selim**

.....Petitioner

Mr. Aniruddha Bhattacharyya

.....for the Petitioner

Mr. Madhu Sudan Sur, Ld. APP

Mr. Dipankar Paramanick

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Tapan P.S. Case No. 119 of 2021 dated 05.05.2021 under Sections 363/342/325/379/506/34 and adding Sections 364A/368/307/120B of the Indian Penal Code.

Mr. Bhattacharyya, learned lawyer appearing for the petitioner submitted that the present petitioner is in custody for about 262 days. He is no way connected with the alleged offence. In our query, he further submitted that although he was arrested in connection with another case, he got statutory bail in that case. He further submitted that there is a delay in lodging the F.I.R., which cannot rule out fabrication of a story and it is also his submission that the name of the present petitioner transpired from the statement of the co-accused. Since Charge Sheet has been filed, according to him, it is not necessary to detain him any further and he may be released on bail.

Mr. Sur, learned Additional Public Prosecutor appearing for the State strongly opposed the bail on the ground that this petitioner along with others are habitual offenders and are connected with some kind of offences. The present petitioner was arrested in connection with another offence of similar kind. Even though Charge Sheet has been filed, considering the nature and seriousness of offence and antecedents, Mr. Sur strongly opposed the bail application.

We have heard rival submissions. Perused the case diary.

It appears from the statement of the witnesses that the present petitioner along with other co-accused are directly involved in commission of the alleged offence. His name transpired, as submitted by the learned lawyer appearing for the petitioner, from the statement of the co-accused although the victim's statement recorded under Section 164 of the Cr.P.C. is silent about the name of the petitioner. It also appears that the present petitioner has antecedent of offence of like nature. One of the accused is still absconding. Therefore, at this stage, we are not inclined to allow bail and the same stands refused at this stage.

The application CRM (DB) 226 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.)