

09.02.2022

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Ct. No. 29
KAUSHIK
REJECTED

C.R.M.(DB) 386 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hemnagar Coastal** Police Station Case No. **16** of **2016** dated **09.04.2016** under Sections 365/366/370/417/376 of the Indian Penal Code.

And

In Re : Hamid Sk. alias Hamid Ali alias Hamidul Sk.

..... petitioner

Mr. Sumanta Ganguly

.....for the petitioner

Mr. Neiguive Ahmed

Ms. Trina Mitra

....for the State

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in detention for a considerable period of time. The petitioner received copies of the documents under Section 207 of the Code of Criminal Procedure (Cr.P.C.) wherefrom it appears that the petitioner was not named in the 164 Cr.P.C. statement. Learned advocate appearing for the petitioner relies upon a bunch of document in support of such contention.

Learned Additional Public Prosecutor appearing for the State produces the case diary, which contains the 164 Cr.P.C. statement of the victim. The involvement of the petitioner appears from the contents of such statement.

The bunch of documents, which the petitioner produces through his learned advocate does not contain the 164 Cr.P.C. statement of the victim in its entirety. In such circumstances, considering the gravity of the offence and the complicity of the petitioner therein as appearing from the statements of the victim recorded under Section 164 of the Criminal Procedure Code, we do not find any reason to grant bail to the petitioner. Moreover, there is hardly any change in circumstances subsequent to the earlier order of rejection.

Accordingly, prayer for bail of the petitioner is rejected and the application being CRM (DB) 386 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)