

10.02.2022

Sl. 50
Court No.29
suvayan
(rejected)

C.R.M. (DB) 405 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.02.2022 in connection with SC 337/2021 arising out of **Madhyamgram** P.S. Case No. **341/2021** dated **24/07/2021** under Sections **394/363/365** of the Indian Penal Code and charge-sheet submitted under Sections **364A/394/363/365** of the Indian Penal Code.

And

In the matter of: Mithun Roy alias Kanai

....petitioner.

Mr. Shashanka Shekhar Saha

...for the petitioner.

Mr. N. Ahmed

Ms. Ayantika Ray

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody in excess of 140 days. The police filed charge-sheet naming in the petitioner. No Test Identification Parade was held. There is a discrepancy between the statements recorded under Section 164 of the Criminal Procedure Code with that of the charge-sheet filed. In the statement recorded under Section 164 of the Criminal Procedure Code, it is claimed that four persons abducted the victims while the charge-sheet does not name four persons.

Learned Additional Public Prosecutor submits that the vehicle which was used in the crime was seized from the possession of the petitioner.

Considering the gravity of the offence and the complicity of the petitioner therein, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (DB) 405 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

