

01.03.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M. (DB) 439 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Narkeldanga** Police Station Case No. **124** of **2021** dated 02.05.2021 under Sections 302/395/341/323/506/427/143/147/148/149/449/452/201/395/34 of the Indian Penal Code, 1860.

And

In Re : Sufal Bose @ Rana

..... petitioner

Mr. Milon Mukherjee

Mr. Sujan Chatterjee

....for the petitioner

Mr. Rabi Sankar Chattopadhyay

Mr. Uday Sankar Chattopadhyay

Mr. Suman Sankar Chattopadhyay

Mr. Pronoy Basak

Mr. Litan Maitra

....for the de-facto complainant

Mr. Phiroze Edulji

Mr. Samrat Goswami

....for the CBI

Petitioner renews the prayer for bail.

Learned senior advocate appearing for the petitioner submits that, the petitioner is in custody for about 210 days. The petitioner was arrested on July 3, 2021. The police filed charge-sheet on August 5, 2021. The Central Bureau of Investigation (CBI) took over the investigation from August 25, 2021. He draws the attention of the Court to the earlier order of rejection. He submits that, the Court while rejecting the earlier prayer for bail on October 4, 2021 recorded the submission of the CBI that petitioner herein who was one of the co-petitioners

in CRM 6552 of 2021 was identified by the eye witness as the person involved in the incident. He submits that, such contention of the CBI is contrary to the records. In support of such contentions, he draws the attention of the Court to the various portions of the charge-sheet and the supplementary charge-sheet. He submits that, the involvement of the petitioner in the incident does not transpire from either the charge-sheet or the supplementary charge-sheet.

CBI and the de-facto complainant are represented.

Learned advocate appearing for the CBI submits that there is hardly any material change in circumstances subsequent to the earlier order of rejection that the Court to grant bail to the petitioner. He draws the attention of the Court to the materials in the case diary and submits that involvement of the petitioner in the incident transpires therefrom.

The petitioner was one of the petitioners making the prayer for grant of bail in CRM 6552 of 2001. Such prayer was rejected on October 4, 2021. The submission on behalf of the CBI that all the co-petitioners in CRM 6552 of 2021 were identified by the eye witness as the persons involved in the incident was recorded. The police submitted charge-sheet on August 5, 2021. The CBI took over investigation on August 25, 2021. It is contented on behalf of the CBI that they applied for further investigation before the Jurisdictional Court and without allowing such prayer, the Jurisdictional Court committed the case for trial. There is a revisional application

pending against the order of committal before the Revisional Court.

In the charge-sheet, which the attention of the Court was drawn to, it appears that the petitioner herein is named as one of the accused persons involved in the incident. The charge-sheet records that the investigation reveals identity of twenty persons including the petitioner. There are materials in the case diary implicating the petitioner.

Considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that there is hardly any material change in circumstances subsequent to the earlier order of rejection dated October 4, 2021, we are unable to grant bail to the petitioner.

In such circumstances, prayer for bail of the petitioner is rejected and the application being CRM (DB) 439 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)