

22.03.2022

Sl. 71
Court No.29
suvayan
(rejected)

C.R.M. (DB) 789 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.03.2022 in connection with **Sabang** P.S. case No. **167/2021** dated **05/05/2021** under Sections **302/34** of the Indian Penal Code, 1860.

And

In the matter of: Subhajit Sekhar Mahesh @ Subhajit Mahes @ Shubhajit Sekhar Mahes & Ors.

....petitioners.

Mr. Prabir Mitra

Mr. Pinak Kr. Mitra

...for the petitioners.

Mr. Y. J. Dastoor, Ld. ASG

Mr. Phiroze Edulji

Mr. Samrat Goswami

...for the UOI(CBI)

Petitioners seek bail.

Learned Advocate appearing for the petitioners submits that the Central Bureau of Investigation could not have taken over the investigation as no violence relating to polling was involved. He submits that the dispute was at best with regard to an immovable property. He submits that the first petitioner is a student of law and the second two petitioners are ladies.

Learned Advocate appearing for the Central Bureau of Investigation submits that the CBI took over the investigations. The taking over the investigation was intimated on November 9, 2021 to the jurisdictional Court. One of the co-accused was granted bail by the jurisdictional Court on November 11, 2021. On investigation, the CBI learnt that all the petitioners were involved in the murder. The two ladies were instigating the persons to kill the victim. The first petitioner was present at the locale.

Considering the gravity of the offence and the involvement of the petitioners therein, we are unable to grant bail to the petitioners.

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

C.R.M. (DB) 789 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)