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(AD)

13.04.2022

Court No.29

(Rejected)

C.R.M. (DB) 880 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with SC-206 of 2021 arising out of **Duttapukur** P.S. Case No.**286** dated **03.05.2021** under Sections **302/34** of the Indian Penal Code read with Sections **3/4** of the Explosive Substances Act along with Section **9(b)** of the Indian Explosives Act wherein Supplementary Charge Sheet has been filed by the Central Bureau of Investigation, Special Crime Branch Kolkata, Vide RC-056-2021-S-0035 under Sections 143/144/147/148/149/302/34 of the Indian Penal Code Substantive offences thereof.

And

In the matter of: Md. Merazul Haque & Anr.

....petitioners.

Mr. Sandipan Ganguly, Sr. ADvocate
Mr. Navanil De
Mr. Rajeshwar Chakrabarty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey

...for the petitioners.

Mr. Phiroze Edulji
Mr. Samrat Goswami

... for the CBI.

Petitioners seek bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. He submits that the petitioners were sought to be implicated four months after the incident.

Learned Advocate appearing for the CBI submits that the CBI took up the investigations with regard to the present police case pursuant to an order of the Hon'ble High Court requiring the CBI to do so in respect of post-poll violence. On investigations, CBI came across materials against the first petitioner in the nature of the first petitioner being named in the

statement recorded under Section 161 of the Code of Criminal Procedure. The second petitioner was referred to in the statement recorded under Section 164 of the Code of Criminal Procedure and named thereafter in a statement recorded under Section 161 of the Code of Criminal Procedure of the same person. Thereafter, such person recorded a statement under Section 164 of the Code of Criminal Procedure implicating the petitioner.

At this stage there are materials in the case diary implicating both the petitioners in the incident concerned.

Considering the gravity of the offence and involvement of the petitioners therein as transpiring from the materials in the case diary, we are unable to enlarge any of the petitioners on bail.

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

C.R.M. (DB) 880 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)