

SL. 23
26.05.2022
Court No. 05
S Das/AJ

CRM (DB) 1413 of 2022

In Re: - An application for bail under section 439 of the Code of Criminal Procedure filed on 23.05.2022 in connection with Domkal Police Station Case No. 329 of 2020 dated 04.07.2020 under Sections 448/325/326/307/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

And

In the matter of: **Ajabul Haque.**

.... Petitioner.

Mr. Abdur Rakib.

...for the petitioner.

Mr. Bidyut Kumr Roy,
Ms. Rita Datta.

... for the State.

Learned Counsel appearing for the petitioner submits in Court that his client should be released on bail, as prayed for on the grounds, inter alia, that he has already undergone a sufficient period of time in custody pending the investigation, and also, that the police has completed investigation and submitted the charge-sheet. So, there is no further necessity for the petitioner to be in custody anymore pending the trial of the case.

Vehement objection has been raised by learned Counsel appearing on behalf of the State on the ground of availability of sufficient materials against the petitioner to be seen in the case diary.

We have considered the materials on record available in the case diary. It is found that the petitioner is named in

the FIR. Moreover, from the seizure list dated 04.07.2020, it is also found that incriminating articles have been seized from the possession of the petitioner. The statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure stated about the overt act of the petitioner in commission of crime.

Considering all these, and also considering the submission made on behalf of the State that the charges are already framed, we are of the opinion that there are no sufficient materials revealed before us to allow the petitioner's prayer for bail.

Therefore, on the discussions as above, we are of the considered opinion that prayer for bail of the petitioner ought to be rejected.

Accordingly, CRM (DB) 1413 of 2022 is rejected.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)