

49 04.03.2022
(AD) Court No.29
(Rejected)

C.R.M. 5688 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Tangra** P.S. Case No.**146** dated **24/08/2019** under Sections **302/307** of the Indian Penal Code, 1860.

And

In the matter of: Li Wan Tho

....petitioner.

Mr. Chandra Sekhar Jha

... for the petitioner.

Mr. Neguive Ahmed, Ld. APP

Ms. Zareen N. Khan

Ms. Trina Mitra

... for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner is not involved in the incident. The petitioner was not present at the day of the incident.

Learned Additional Public Prosecutor draws the attention of the Court to the order dated March 3, 2020 passed in CRM 11912 of 2019. He submits that the DNA report is positive and connects the petitioner with scratches on the body of the deceased.

Considering the gravity of the offence and the involvement of the petitioner *prima facie* appearing from the materials in the case diary and considering the DNA report being positive and considering the fact that there is hardly any change in circumstances subsequent to the earlier order of rejection, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is

rejected.

C.R.M. 5688 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)