

02.03.2022
Item No.177
Court No.32
ss

C.R.M. 5721 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure Code.

And

In Re: Sukumar @ Sipahi Kaibartya

... Petitioner.

Mr. Anirban Dutta
Mr. Sayantan Sinha

... for the Petitioner.

Mr. Saibal Bapuli
Mr. Bibaswan Bhattacharya

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Para P.S. Case No. 45 of 2021 dated 18.05.2021 under Sections 302/201/34 of the Indian Penal Code, 1860.

Mr. Dutta, learned Advocate appearing for the petitioner submits that the petitioner has been roped in on the basis of mere suspicion. His name does not feature in the F.I.R. which was lodged on 18th May, 2021 reporting an incident which occurred on 17th May, 2021. He had been sought to be implicated on the basis of the statement of a 5-year old child before the police officer. He further submits that the petitioner is languishing in custody for about 270 days and there is no possibility towards early conclusion of the trial. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Bapuli, learned Advocate appearing for the State opposes the petitioner's prayer and draws our attention to the several documents in the case diary including the statement of the child of the victims being his parents, as well as the seizure list.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

On the statement of the petitioner and the other co-accused, the offending weapons were seized. The materials on record, *prima facie*, reveal direct involvement of the petitioner in the alleged offence. Considering the seriousness of the offence, the manner in which the offence has taken place and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. Accordingly, his prayer for bail is refused at this stage.

The application CRM 5721 of 2021 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)