

31.03.2022
Sl. 51, 52 & 53
Court No.29
sourav
(Rejected)

CRM 4463 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **B. Garden** Police Station Case No. **218** of **2020** dated **29.12.2020** under Sections **302/326/120B** of the Indian Penal Code and Sections **25(1B)(a)/27/35** of the Arms Act.

And

In the matter of: **Devendra Mishra**

....petitioner.

with

CRM 5224 of 2021

In the matter of : **Surajit Bardhan @ Barka @ Sagar Bardhan**

...petitioner.

With

CRM 5974 of 2021

In the matter of : **Bikash Singh @ Biki @ Vikash Singh**

...petitioner.

Mr. Milon Mukherjee, Sr. Advocate,
Mr. Sourav Chatterjee,
Md. Zeeshan Uddin,
Ms. Amrin Khatoon,
Md. Swhabuddin,

...for the petitioner
in CRM 4463 of 2021.

Mr. Milon Mukherjee, Sr. Advocate,
Mr. Ayan Bhattacharjee,
Mr. Soumya Basu Roy Chowdhury,

...for the petitioner
in CRM 5224 of 2021.

Mr. Rajdeep Mazumder,
Mr. Pritam Roy,
Ms. Arushi Rathore,

...for the petitioner
in CRM 5974 of 2021.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta,

...for the State
in CRM 4463 of 2021.

Mr. Neguive Ahmed, Ld. APP,
Ms. Amita Gaur,

...for the State
in CRM 5224 of 2021.

Mr. Madhusudan Sur, Ld. APP,
Mr. Dipankar Paramanick,

...for the State
in CRM 5974 of 2021.

Mr. Sabyasachi Banerjee,
 Ms. Shrestha Bhattacharjee,
 Ms. Minal Palana,
 Ms. Nahid Ahmud,

...for the defacto complainant
 in CRM 4463 of 2021
 in CRM 5224 of 2021 and
 in CRM 5974 of 2021.

Mr. Kallol Mondal,
 Mr. Krishan Roy,
 Mr. Souvik Das,
 Mr. Anamitra Banerjee,

... for the victim
 in CRM 4463 of 2021
 in CRM 5224 of 2021 and
 in CRM 5974 of 2021

Three applications for bail are taken for analogous hearing as they emanate out of the same police case.

Learned senior advocate appearing for the petitioner in CRM 4463 of 2021 (hereinafter referred to as the first petition, for the sake of convenience) submits that there was an enmity between the petitioner and the deceased. No recovery was made from the petitioner. The petitioner was falsely implicated. He refers to the statements of the eyewitness recorded under Section 164 of the Criminal Procedure Code. He refers to the date of incident, the date on which the statement of such eyewitness was recorded under Section 161 of the Criminal Procedure Code as also the date on which the statement of such eyewitness was recorded under Section 164 of the Criminal Procedure Code. According to him, there is a variance between the statement of such eyewitness recorded under Section 161 of the Criminal Procedure Code and under Section 164 thereof.

Learned senior advocate appearing for the petitioner in CRM 5224 of 2021 (hereinafter referred to as the second petition, for the sake of convenience) submits that none of the materials so far relied

upon by the prosecution implicates the petitioner therein. The role of the petitioner therein is not defined. He cannot be construed as the principal accused.

Learned advocate appearing for the petitioner in CRM 5974 of 2021 (hereinafter referred to as the third petition, for the sake of convenience) submits that the petitioner was falsely implicated. He refers to the materials sought to be relied upon by the prosecution and submits that there is no direct role ascribed to his client with regard to the incident of assault and murder.

Respective learned advocates appearing for the State in the three petitions refer to the materials in the case diary including the statement of the eyewitness Debanand Thakur recorded under Section 161 of the Criminal Procedure Code and his statement recorded under Section 164 thereof. They submit that all the petitioners are involved in the incident of murder and assault. One person died. The other was injured. They also refer to the statement of Samar Majhi who is the injured eyewitness to the incident.

The police case revolves around murder and grievous hurt.

The injured in a statement recorded under Section 164 of the Criminal Procedure Code squarely implicates each of the petitioners herein and ascribes specific roles to each of the petitioners in the incident of murder and grievous hurt.

In view of the overwhelming materials made available on record with regard to the complicity of each of the petitioners with regard to the incident in question, we are unable to enlarge any of the petitioners on bail.

Accordingly, the prayer for bail of the petitioners in three petitions is rejected.

C.R.M. 4463 of 2021, C.R.M. 5224 of 2021 and C.R.M. 5974 of 2021 are dismissed accordingly.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

