

03.01.2022

Court No.32
rpan / 08

C.R.M. 8000 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re. : **Indra Pal Tara Chandra Jatav**

- Petitioner

Mrs. Arundhati Banerjee (through v.c.),
Mr. Kaustav Banerjee (through v.c.),
Mr. Rajveer Singh (through v.c.),
Ms. Aindrily Sett (through v.c.)
... for the Petitioner.

Mr. Nguive Ahmed,
Ms. Trina Mitra
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Lake Town Police Station Case No.174 of 2021 dated 21.07.2021 under Sections 302/380/34 of the Indian Penal Code, 1860.

Mr. Banerjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated on the basis of the statement of a co-accused person. His name did not feature in the FIR. There is no material exhibiting the petitioner's direct involvement in the alleged offence. He further submits that the petitioner is a poor workman having a family consisting of two minor children. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who has already suffered incarceration for about 89

days, is not warranted and he may be enlarged on bail on any stringent condition.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. He submits that there are incriminating materials on record against the petitioner. In support of such contention, he draws our attention to the seizure list and the C.D.R. details.

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

Prima facie, there are incriminating materials against the petitioner. Considering the severity of offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

The application for bail, being CRM No.8000 of 2021 is 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)