

CRM 8089 of 2021
(via video conference)

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

And

In Re : Sk. Akkash Ali @ Akkash Ali Sk. & Anr.
.....Petitioners

Mr. Ranjan Saha
.....for the Petitioners

Mr. Soumik Ganguly
.....for the State

Mr. Mezhar Hossain
.....For the de facto complainant

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Tamluk P.S. Case No. 714 of 2021 dated 24.08.2021 under Sections 448/341/323/325/304/34 of the Indian Penal Code.

Languishing in custody for about 107 days, the instant bail application is filed by the two principal accused.

Mr. Saha, learned lawyer appearing for the petitioners submitted that the present petitioners are in long custody. Charge sheet has been filed. The victim expired after ten days. It was not an intentional murder. There is no prospect of immediate commencement of trial. Accordingly, bail is prayed for.

Per contra, Mr. Ganguly, learned lawyer appearing for the State submitted that strong incriminating elements are there against the present petitioners. Statements of the witnesses show overt acts are attributable to the present petitioners in

commission of the alleged offence. It is further submitted that the offensive weapons were recovered at the instant of the petitioners. Therefore, considering the seriousness and gravity of the offence, Mr. Ganguly strongly opposed the bail.

We have heard the rival submissions and perused the case diary. Charge sheet has been filed. We find that strong incriminating elements are there against the present petitioners and they have direct complicity in the alleged offence.

Considering the seriousness of offence and its gravity, we are not inclined to allow the prayer for bail of the present petitioners and the same stands rejected.

The application being CRM 8089 of 2021 is dismissed.

We direct the learned Chief Judicial Magistrate, Purba Medinipur, Tamluk to commit the case to the Court of the learned Sessions Judge without any delay.

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.)