

CRM No.8126 of 2021

Via video conference

03.01.22

(S.R.)

Sl.29

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Barikul** Police Station Case No.09 of 2021 dated 07/06/2021 under Sections 302 of the Indian Penal Code;
And

In re: Animesh Pal & Anr.

... petitioners.

Mr. Malay Bhattacharyya

... for the petitioners.

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

...for the State.

Languishing in custody since 07.06.2021, the present application is filed in connection with Barikul Police Station Case No.09 of 2021 praying for bail.

Mr. Bhattacharyya, learned advocate appearing for the petitioners submitted that the petitioner no.1 is not FIR named. His name has transpired from the statement of the co-accused. Both the petitioners are in custody for long. Charge sheet has been filed but there is no prospect of immediate commencement of trial. In this conspectus of facts, the application for bail is filed.

Per contra, the learned lawyer appearing for the State submitted that there are strong incriminating elements against both the petitioners. The present petitioner no.1 is the brother of the victim. Enough materials are there in the case diary to implicate the present petitioners to the alleged crime. Accordingly, bail is opposed.

We have heard the rival submissions. Perused the case diary. We find that strong incriminating elements against both the petitioners. There is recovery of the offending weapon at the instance of the petitioner no.2. There are recoveries also at the instance of the petitioner no.1. On perusal of case diary and other materials, we find

that present petitioner no.1 is the brother of the victim and present petitioner no.2 is a co-accused. Although, investigation is complete, considering the extent of incriminating elements, the nature of allegations and gravity of offence, we are not inclined to allow the bail application and the same stands rejected at this stage.

However, we direct the learned court below to expedite consideration of charge and commencement of trial on receiving the copy of this order.

The application for bail being CRM No.8126 of 2021 is, accordingly, disposed of.

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.)