

04.04.2022

Sl. 56
Court No.29
suvayan
(rejected)

C.R.M. 8133 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.12.2021 in connection with **Arsha** P.S. case No. **34/2021** dated **11/04/2021** under Sections **147/148/149/325/326/307/506/34** of the Indian Penal Code, subsequently added Section 302 of the Indian Penal Code.

And

In the matter of: Arup Majhi & Ors.

....petitioners.

Mr. Milon Mukherjee, Sr. Adv.

Mr. Dattatreya Dutta

...for the petitioners.

Mr. Neguive Ahmed, APP

Ms. Amita Gaur

...for the State.

Petitioners seek bail.

Learned Senior Advocate appearing for the petitioners submits that the first two petitioners are in custody for 350 days while the third petitioner being in custody for 358 days. He submits that no specific role can be attributed to the third petitioner. The police filed charge-sheet and, therefore, further detention of the petitioners are not required. He submits that other co-accuseds are in custody.

Learned Additional Public Prosecutor draws the attention of the Court to the statement of the injured victim recorded under Section 164 of the Criminal Procedure Code. He also draws the attention of the Court to the post-mortem report. He submits that the injured victim implicates all the petitioners in the incident of murder. He submits that the Court should not distinguish between any of the three petitioners.

Considering the materials in the case diary and considering the gravity of the offence and the involvement of the petitioners therein and considering the statement of the injured victim recorded

under Section 164 of the Criminal Procedure Code where the injured victim names all the petitioners as persons complicit in the incident, we are unable to enlarge in all the petitioners on bail.

Accordingly, the prayer for bail of the petitioners is rejected.

C.R.M. 8133 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)