

CRM No.8239 of 2021

Via video conference

09.03.22

(S.R.)

Sl.128

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Ausgram** Police Station Case No.168 of 2021 dated 10/06/2021 under Sections 302/201/34 of the Indian Penal Code;

And

In re: Sayeedur Rahman @ Piyam and Anr. ... petitioners.

Mr. Milon Mukherjee

Mr. Dattatreya Dutta

... for the petitioners.

Mr. Saibal Bapuli, APP

Mr. Arani Bhattacharyya

... for the State.

Mr. Golam Karim Choudhury

... for the *de facto* complainant.

Mr. Mukherjee, learned senior advocate appearing for the petitioners submits that on the basis of a *suo motu* complaint lodged by a police personnel, the case was registered. The petitioners have been falsely implicated and they have no involvement in the alleged offence. The names of the petitioners do not feature in the FIR. Upon completion of investigation, charge sheet has already been submitted and as such, further detention of the petitioners, who have already suffered long incarceration for about 270 days, may not be necessary and they may be enlarged on bail on any stringent condition.

Mr. Bhattacharyya, learned advocate appearing for the State opposes the petitioners' prayer drawing our attention to the statements of the witnesses, as recorded under Section 161 of the Code, the seizure list and other documents in the case diary. He submits that the petitioners were identified in the TI Parade and the vehicle was seized from the petitioner no.1.

Mr. Karim Choudhury, learned advocate enters appearance on behalf of the *de facto* complainant and opposes the petitioners' prayer.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, we find strong incriminating materials on record against the petitioners. Considering the seriousness of the offence, its ramifications, the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in their favour. As such, their prayer for bail is refused at this stage.

The application for bail being CRM No.8239 of 2021 is, accordingly, 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.)