

CRM No.8298 of 2021

Via video conference

09.02.22

(S.R.)

Sl.301

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Gangnapur** Police Station Case No.65 of 2021 dated 03/05/2021 under Sections 341/325/326/307/302/506/34 of the Indian Penal Code;

And

In re: Somnath Dutta @ Buro

... Petitioner.

Ms. Minoti Gomes

... for the petitioner.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

... for the State.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged incident. No specific overt act has been attributed to the petitioner. Upon completion of investigation charge sheet has been submitted and five co-accused persons have not even been sent up for trial. The petitioner has already suffered long incarceration for about 276 days and there is also no possibility towards early conclusion of the trial. In view thereof, the petitioner may be enlarged on bail on any stringent condition.

Mr. Banerjee, learned advocate appearing for the State has drawn our attention to the statements of the witnesses, as recorded under Sections 161 and 164 of the Code, seizure list and the post mortem report. He further submits that there are, thus, materials on record, which clearly reveal the direct involvement of the petitioner in the alleged offence.

Heard the learned advocates appearing for the respective parties.

Considering the nature of injuries inflicted, to which the person succumbed, the seriousness of the offence, the manner in which the offence has taken place 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.

Needless to say, the observations made in the present order are only for the purpose of bail and the same would not affect the trial in any manner.

The application for bail being CRM No.8298 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.)