

CRM 8354 of 2021
(via video conference)

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

And

In Re : Parimal Sarkar

.....Petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatoon

.....for the Petitioner

Mr. Subrata Roy

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Tapan P.S. Case No. 119 of 2021 dated 05.05.2021 under Sections 363/342/325/379/506/34 of the Indian Penal Code and adding Sections 364A/368/307/120B of the Indian Penal Code.

Mr. Choudhury, learned lawyer appearing for the petitioner submitted that the present petitioner is in custody for about 249 days. Charge sheet has been filed, but there is no chance of immediate commencement of trial. The present petitioner is falsely implicated. There are paucity of incriminating elements against the petitioner. Considering the long custodial detention, the learned lawyer appearing for the petitioner prays for bail.

Per contra, Mr. Roy, learned lawyer appearing for the State strongly opposed the bail application on the ground that the petitioner is involved actively in the alleged crime. Inviting our attention to the statement of another co-accused and other incriminating materials, he stated that overt acts are attributable to

the present petitioner. Charge sheet has been filed on 15th September, 2021. The offending vehicle was recovered on the basis of the leading statement of the present petitioner. Relying upon the incriminating materials Mr. Roy strongly opposed the bail application.

We have heard the rival submissions and perused the case diary.

We find that other co-accused are also in custody. Charge sheet has been filed, but allegation is very grave and serious and strong incriminating elements are there implicating the present petitioner. Considering the nature of allegations and other materials in the case diary, we are not inclined to grant bail and the same stands rejected at this stage.

The application CRM 8354 of 2021 is, accordingly, dismissed.

However, we direct the learned Chief Judicial Magistrate, Balurghat to commit the case within fifteen days from receiving the order.

Registrar (Administration) is directed to communicate this order immediately to the Learned Chief Judicial Magistrate, Balurghat.

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.)