

CRM 8371 of 2021
(via video conference)

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

And

In Re : Madhusudan Ghosh @ Madhu

.....Petitioner

Mr. Sourav Chatterjee
Mr. Aditya Tewari

.....for the Petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bagnan P.S. Case No. 32/2018 dated 01.02.2018 under Sections 302/201/120B of the Indian Penal Code.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident in which the victim suffered accidental death. No overt act has been attributed to the petitioner. The charge sheet, as submitted, would reveal that one Manik Sarkar @ Mani @ Srikanta Sarkar is the principal accused. Upon completion of investigation, charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody since 6th February, 2021, is not warranted.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and submits that the totality of the circumstances would clearly reveal the direct involvement of

the petitioner in the alleged offence. He has drawn our attention to the statements of the witnesses as well as the post mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are incriminating materials on record against the petitioner. Considering the seriousness of the offence, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise discretion in his favour and his prayer for bail is refused at this stage.

The application CRM 8371 of 2021 is, accordingly, dismissed.

The learned Court below, however, is directed to expedite the trial.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)