

17.01.2022
Ct. No. 32
Sl. No.21
sdas

C. R. M. 8418 of 2021
(via video conferencing)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure :

And

In Re : *Mir Usman Ali @ Mir Usman @ Ara*

... .. Petitioner

Mr. Tanmoy Chowdhury
Mr. Abhijit Basu
Mr. Tamal Taru Panda

... .. for the petitioner

Ms. Zareen N. Khan
Mr. Ashok Das

... .. for the State

Mr. Y. J. Dastoor, learned ASG
Mr. Phiroze Edulji
Mr. Samrat Goswami

..... for the CBI

The present application for bail under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Khejuri Police Station Case No. 137 of 2021 dated 05.05.2021 under sections 448/376/328/307, adding Section 376D of the Indian Penal Code, 1860, Section 4 of the E.S. Act and adding Section 4(1)(w)(i) of SC & ST (Prevention of Atrocities) Act.

Mr. Chowdhury, learned advocate appearing for the petitioner submits that there was a political rivalry between the parties and the petitioner has been falsely implicated. Upon completion of investigation charge-sheet has also been submitted and as such further detention of the petitioner, who is in custody for about 257 days, is not warranted.

Mr. Goswami, learned advocate appearing for the C.B.I. opposes the petitioner's prayer and draws our attention to the

statements of the witnesses including the statement of the victim lady and her grandson as recorded under Section 164 of the Code. He further submits that the petitioner is the principal accused and in view of incriminating materials on record he is not entitled to relief as prayed for.

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

Prima facie it appears that there are strong incriminating materials against the petitioner. Considering the seriousness of the offence and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

With the aforesaid observations, the application for bail being CRM 8418 of 2021 is dismissed.

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.)