

CRM 8531 of 2021
(via video conference)

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

And

In Re : Khurshid Alam Mandal @ Khurshid
.....Petitioner

Mr. Sumanta Chakraborty
.....for the Petitioner

Mr. P. K. Datta, Ld. APP
Mr. Santanu Deb 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 Habra P.S. Case No. 705/21 dated 03.10.21 under Sections 448/326/307/506 of the Indian Penal Code.

Mr. Chakraborty, Learned Lawyer appearing for the present Petitioner is a school boy who is falsely implicated in this case. The allegation is baseless. Statements of witnesses are contradictory to inculcate the petitioner. Injury report does not disclose the name of the present Petitioner. There is no justification of further detention as Charge Sheet has been filed. Accordingly, he prays for bail.

Mr. Datta, Learned Additional Public Prosecutor appearing for the State strongly opposed the bail. Inviting our attention to statement of witnesses, seizure memo and injury reports along with treatment papers he submitted that petitioner was identified on spot and he is a known figure. He strongly opposed the bail as because the allegation is very serious and grave.

We have heard rival submissions. Perused the case diary.

From the statement of witnesses, it appears that one of the witnesses identified the present petitioner on spot although he tried to disguise himself. Offensive weapon was recovered at the instance of the petitioner, as appeared from the seizure memo. Injury report reveals a very serious injury in the finger of the victim which was chopped off.

On perusal of the case diary and other materials, we are satisfied that strong incriminating elements are there against the present Petitioner indicating his direct complicity in the alleged offence. The allegation is very grave and serious. Therefore, even though Charge Sheet has been filed, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

The application CRM 8531 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.)