

31.01.2022

Court No.32
rpan/37

CRM 8556 of 2021

[Through Video Conferencing]

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

And

In Re : **Nayan @ Khalid Hasan @ Khalid Hossain Mondal**

- Petitioner

Md. Sarwar Jahan,
Mr. Anisur Rahaman
... for the Petitioner.
Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty
... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Hariharpara Police Station Case no.75 of 2021 dated 17.02.2021 under Sections 341/326/307 of the Indian Penal Code, 1860 and Sections 25(1)(a)/27 of the Arms Act with adding Section 302 of the Indian Penal Code, 1860.

Mr. Jahan, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He has already suffered incarceration for more than 339 days and there is no possibility towards conclusion of the trial in the near future. In the said conspectus, he may be enlarged on bail on any stringent condition.

Mr. Roy Chowdhury, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary, including the statement of the eyewitness, as recorded under Section 164 of the Code.

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

Prima facie, we find strong incriminating materials in the case diary against the petitioner. Considering the seriousness of the offence 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.

The application for bail, being CRM No.8556 of 2021 is, thus, 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)