

02.03.2022
Item No.202
Court No.32
ss

C.R.M. 8606 of 2021

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

And

In Re: Prahlad Barman

... Petitioner.

Ms. Karabi Roy

... for the Petitioner.

Mr. Prasun Datta

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 Taherpur P.S. Case No. 42 of 2021 dated 05.03.2021 under Sections 363/326/302/34 of the Indian Penal Code.

Ms. Roy, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No specific overt act has been attributed to the petitioner. The role assigned to the petitioner is similar to other three co-accused persons who have already been enlarged on bail by different coordinate Benches of this Court. The principal accused is one Debjit, who is still in custody. In the said conspectus, further detention of the petitioner, who is in custody since 5th March, 2021, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Datta, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the

statement of the victim, as recorded under Section 164 as well as the statements of other witnesses, as recorded under Section 161 of the Code. Answering to our query, he submits that date has been fixed for framing of charges on 10th March, 2022.

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

Prima facie, there are strong incriminating materials on record 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. Accordingly, his prayer for bail is refused at this stage.

However, the learned Court below is directed to take up the issue of consideration of charges on the next date, as fixed, without granting any unnecessary adjournment to either of the parties.

With the above observations, the application CRM 8606 of 2021 is disposed of.

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.)