

CRM 8629 of 2021
(via video conference)

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

And

In Re : Sourav Mondal

.....Petitioner

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chattopadhyay
Mr. Santanu Maji
Mr. Debdipto Banerjee

.....for the Petitioner

Mr. Madhusudan Sur, Ld. APP
Mr. Dipankar Paramanick

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Narendrapur P.S. Case No. 1002 of 2019 dated 30.07.2019 under Sections 457/458/460/392/302/201/411/34 of the Indian Penal Code.

Mr. Chattopadhyay, learned advocate appearing for the petitioner submits that the entire case is based upon circumstantial evidence and the petitioner has been falsely implicated. The petitioner's name does not feature in the First Information Report. He is languishing in custody for more than 363 days and since upon completion of investigation, charge sheet has already been submitted, the petitioner may be enlarged on bail on any stringent condition.

Such prayer of the petitioner has been vehemently opposed by Mr. Sur, learned Additional Public Prosecutor appearing for the State. He submits that the offending weapon was recovered from the

petitioner and the materials in the case diary including the statements of the witnesses, as recorded under Section 164 of the Code, clearly reveal the direct involvement of the petitioner in the alleged offence.

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

Prima facie, there are materials in the case diary which reveal the direct involvement of the petitioner in the alleged offence. Considering the gravity of the offence, its ramifications and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour and his prayer for bail is refused at this stage.

The application CRM 8629 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.)