

03.02.2022
Item no.30
Court No.32
Avijit Mitra

C.R.M. 8643 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Jhargram Police Station Case No.121 of 2021 dated 30.06.2021 under Sections 302/201 of the Indian Penal Code.

And

In Re : Doman Hembram

.... petitioner

Mr. Rupam Mukhopadhyay,
Mr. Ritwik Pattanayak

....for the petitioner

Mr. Saibal Bapuli,
Mr. Bibaswan Bhattacharya

....for the State

Mr. Mukhopadhyay, learned lawyer appearing for the present petitioner submitted that the petitioner is in custody for 212 days. Chargesheet has been filed but there is no prospect of commencement of trial. He submitted that the present petitioner is falsely implicated and has no connection with the alleged offence. Accordingly he prays for bail.

Per contra, Mr. Bhattacharya, learned lawyer appearing for the State submitted, that strong incriminating elements are there against the present petitioner in the alleged offence. Relying on the statement of the present petitioner, statement of other witnesses and other materials on record he submitted that there are enough materials to implicate the present petitioner and he opposes the bail, accordingly.

We have heard the rival submissions and perused the case diary. There are statement of the witnesses against the present petitioner as well as custodial statement leading to recovery of offensive weapon. Statement of other witnesses are also incriminatory implicating the present petitioner. The matter has been committed and fixed for consideration of charge. Therefore, it is not proper to say that there is no prospect of immediate commencement of trial.

On perusal of materials on record in the case diary and considering the seriousness of offence, its gravity and incriminating elements against the present petitioner, we are not inclined to allow the application for bail and the same stands rejected, at this stage.

The application for bail being CRM No.8643 of 2021 is, 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.)