

CRM 8887 of 2021
(via video conference)

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

And

In Re : Bhola Roy

.....Petitioner

Ms. Jeenia Rudra

.....for the Petitioner

Mr. Anindya Sundar Chatterjee

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Tapan P.S. Case No. 221 of 2020 dated 20.07.2020 under Sections 302/201/34 of the Indian Penal Code.

Ms. Rudra, learned advocate appearing for the petitioner submits that there was a hot altercation between the parties and the petitioner has been falsely implicated in the said incident. He is languishing in custody for about one year and two months and though charge sheet has been submitted, the charges have not yet been framed and the trial has not commenced. In the said conspectus, he may be enlarged on bail on any stringent condition.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses, the seizure list and the post mortem report.

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

Prima facie, there are strong incriminating materials against the petitioner. From the statements of the witnesses it appears that

specific overt act had been attributed to the petitioner. The offending weapon was seized from the petitioner. Considering the seriousness of the offence, the manner in which the offence has taken place, the nature of accusations 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 CRM 8887 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.)