

CRM 8913 of 2021
(via video conference)

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

And

In Re : Pakhirul Islam @ Sentu Sk

.....Petitioner

Mr. Koustab Bagchi
Mr. Sourav Mukherjee

.....for the Petitioner

Mr. Bidyut Kumar Roy
Ms. Rita Dutta

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Nakashipara P.S. Case No. 548/2020 dated 21.10.2020 under Sections 363/365/34 of the Indian Penal Code and added Section 376 of the Indian Penal Code.

Mr. Bagchi, learned advocate appearing for the petitioner submits that the petitioner has been implicated due to previous enmity of the petitioner's family with the family of the *de facto* complainant. The *de facto* complainant herein is an accused in the earlier case initiated on behalf of the members of the petitioner's family being Nakashipara Police Station Case No. 336 of 2020 dated 14th July, 2020. There is also a delay in lodging the present complaint and such delay has not been explained. In the said conspectus, the petitioner, who is only 24 years of age and has already suffered incarceration for about 81 days, may be enlarged on bail on any stringent condition.

Mr. Roy, 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 of the Code and the injury report.

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

Prima facie, we find strong incriminating materials on record against the petitioner.

Considering the seriousness of the offence, the possible extent of the petitioner's complicity in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, the petitioner's prayer for bail is refused at this stage.

The application CRM 8913 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.)