

CRM 8969 of 2021

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 21.12.2021 in connection with CBI/SCB/Kolkata RC No.0562021/S0005 dated 25.08.2021 under Sections 341/326/325/307/34 of the Indian Penal Code and added Section 302/354B of the Indian Penal Code.

-And-

In the matter of: **Alamgir Sk & Ors.**

... ..Petitioners

Mr. Sekhar Kr. Basu, Sr. Advocate
Mr. Amanul Islam, Advocate
Mr. Sourav Mukherjee, Advocate

... .. For the Petitioners

Mr. Phiroze Edulji, Advocate
Mr. Samrat Goswami, Advocate

... .. For the CBI

Petitioners pray for bail.

Learned Senior Advocate appearing for the petitioners submits that petitioner nos. 5 to 13 were not named in the first information report, although, de facto complainant was an eye witness to the incident. The petitioner nos. 6 and 8 are the female members. The petitioners are in custody for a period in excess of 250 days. The police filed charge-sheet and, therefore, further detention of the petitioners are not required. Some of the other co-accused were enlarged on anticipatory bail by this Hon'ble Court.

Learned Advocate appearing for the Central Bureau of Investigation (CBI) submits that the CBI took over investigations on August 25, 2021 subsequent to the order of the High Court directing the CBI to investigate into the post poll violence. The present police case relates to post poll violence. A witness recorded statement under Section 164 of the Code of Criminal Procedure on June 3, 2021 implicating each of the petitioners in the incident. He refers to a details of the petitioners along with the statements recorded under Sections 164 of the Code of Criminal Procedure and 161

thereof. He states that each of the petitioners herein stands implicated in the incident in the statements of various witnesses recorded under Section 164 of the Code of Criminal Procedure as well as under Section 161 thereof.

Considering the gravity of the offence and the involvement of the petitioners therein as transpiring from the materials in the case diary and considering the fact that there are number of statements recorded under Section 164 of the Code of Criminal Procedure let alone under Section 161 of the Code of Criminal Procedure, implicating each of the petitioners in the incident, we are unable to grant bail to any of the petitioners.

Consequently, CRM 8969 of 2021 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)