

CRM No.8995 of 2021

Via video conference

18.02.22

(S.R.)

Sl.06

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Ranaghat** G.R.P.S. Case No.09 of 2021 dated 27.06.2021 under Sections 302 of the Indian Penal Code (subsequently Charge sheet being no.05/2021 dated 05.10.2021 under Sections 302/120B of the Indian Penal Code adding with Section 27 of the Arms Act);

And

In re: Anup Roy @ Pocha

... petitioner.

Ms. Anasuya Sinha

Ms. Janaki Saha

... for the petitioner.

Mr. Neguive Ahmed

Ms. Ayantika Ray

...for the State.

Ms. Sinha, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He was not named in the FIR. No specific overt act has been attributed to the petitioner. Upon completion of investigation charge sheet has been submitted and he is languishing in custody for more than 160 days. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under Section 164 and the statements of the other witnesses, as recorded under Section 161 of the Code as well as the post mortem report. He further submits that the application for bail preferred by a co-accused person, namely, Pijush Pramanick @ Sasti, has already been rejected by a Coordinate Bench of this Court.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears that the petitioner was very much present at the place of occurrence and upon assessing the role attributed to the petitioner,

we find that he is similarly situated with the other accused person, namely, Pijush Pramanick @ Sasti, whose bail application has been turned down. Considering the seriousness of the offence, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise discretion in his favour. As such, his prayer for bail is refused at this stage.

The application for bail being CRM No.8995 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.)