

19.06.2023
Sl. 44
Court No.29
sdas
(Rejected)

C.R.M. (DB) 2300 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in arising out of Pursurah P. S. Case No. 80 of 2021 dated 13.06.2021 under Sections 325/326/307/302/506/34 of the Indian Penal Code.
And

In Re: **Sk. Saddam Hossain @ Sk. Saddam**

....petitioner

Mr. Niladri Sekhar Ghosh
Mr. Sourav Mondal

...for the petitioner.

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

...for the State.

Mr. Avik Ghatak
Mr. Saibal Kumar Dasgupta

..... for de facto complainant

1. Heard the learned Counsel for the parties.
2. It is submitted by the learned Counsel for the petitioner that the informant has improved his story from time to time from the stage of lodging F.I.R. till the stage of examination under Section 164 of the Code of Criminal Procedure. It is further submitted by him that the role ascribed to the present petitioner does not find corroboration in the postmortem report. Co-accused persons are stated to be released on bail.
3. Considered the materials on record placed by the learned Counsel for the parties including the statements of the witnesses recorded under Sections 161 and 164 of the Code of Criminal Procedure respectively and the postmortem report. The questions raised by the learned Counsel for the parties are questions which need the entire documentation of the police papers which is not allowed at the time of

consideration of prayer for bail. The questions raised by the learned Counsel for the petitioner are the questions to be addressed by the learned Trial Judge at the time of trial. At this stage, neither we can add to or subtract anything from the police papers in finding the prima facie case. There is also eye-witness account to implicate the petitioner in the offence alleged and the co-accused persons already released on bail are on different footing.

4. Regard being had to the facts and submissions, gravity of the offence, quantum of punishment prescribed, we are not inclined to exercise our discretion in favour of the petitioner under Section 439 of the Code of Criminal Procedure at this stage.
5. Accordingly, the prayer for bail of the petitioner is rejected.
6. CRM (DB) 2300 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)