

05.07.2024
Item no. 36.
Court No.28.
AB
(Rejected)

CRM (DB) 1917 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Banshihari P. S. Case No.247 of 2023 dated 11.10.2023 under Sections 302/201 of the Indian Penal Code

And

In the matter of : Sujit Saha

.....Petitioner.

Mr. R. L. Chakraborty,
Mr. Sumanta Ganguly
Mr. Priyanjit Kundu for the Petitioner.

Ms. Faria Hossain
Mr. Atanu Ghosh for the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned Advocate for the petitioner has submitted that the petitioner is not the principal accused. He is the driver of the car, but the alleged offending car was not seized from his possession. He has been entangled in this case on the basis of the statement of a co-accused. He is in custody for about 256 days. Since the investigation is complete, he may be granted bail on any condition.

Learned Advocate for the State has submitted that the CDR and other materials in the case diary show that the petitioner was present at the place of occurrence when the offence was committed. Another accused has been absconding

and for that reason, the charge could not be framed. There is sufficient incriminating evidence against the petitioner and that is why, she opposes the prayer for bail.

After considering the material on record and CD, it appears that there are certain incriminating materials against the present petitioner in this case diary. Considering the stage of the proceeding and also the fact that one of the accused is still absconding, we are not inclined to allow the petitioner's prayer for bail, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1917 of 2024 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)