

52. 21.08.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2204 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Haripal P.S. Case No. 553/2023 dated 09.12.2023.
And

In the matter of: - **Md. Basar Happy @ Md. Basar Hapi**

Mr. Satadru Lahiri
Mr. Sourav Paul
Mr. Tanumoy Ghosh
Mr. Safdar Azam

...for the petitioner.

Mr. Bibaswan Bhattacharya
Mr. Raju Mondal

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in this case. There is no incriminating material against the present petitioner. However, as investigation is complete, the petitioner may be enlarged on bail on any condition that this Court may decide.
2. Learned Counsel has also pointed out that one of the principal accused has been granted statutory bail by the learned Trial Court.
3. Learned Counsel appearing for the State raises strong objection to the bail prayer. According to him, there are sufficient incriminating materials against the petitioner in the case diary. Learned Counsel also draws our attention to the

statements of witnesses recorded under Section 161 of the Code of Criminal Procedure, 1973.

4. We have considered the materials on record including the case diary. It appears that some of the witnesses have specifically named the present petitioner as one of the principal accused.
5. Considering the available materials on record and the nature of activities that the petitioner is alleged to be involved in, which has highly deleterious effect on the society as a whole, we are not inclined to allow the petitioner's prayer for bail, at this stage.
6. The application being CRM (DB) 2204 of 2024 is accordingly dismissed.
7. Since the petitioner has been in custody for about five months, we request the learned Trial Court to expedite the trial to the fullest extent possible and bring the same to its logical conclusion as early as possible.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)