

42.
02-09-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 2273 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the Bharatiya Nagarik Suraksha Sanhita in connection with Domjur Police Station Case No.522 of 2023 dated 25-07-2023 under Sections 302/201/212/120B of the Indian Penal Code.

- A n d -

In the matter of : Sunil Kumar Yadav

.... Petitioner.

Mr. Pawan Kumar Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett

... For the Petitioner.

Mr. Subhamoy Bhattacharya,
Mr. Ratul Ghosh

... For the State.

Dictated by Prasenjit Biswas, J.

1. It is submitted by learned counsel, appearing for the petitioner, that this petitioner is completely innocent and has been falsely arrayed in the crime. It is further submitted that this accused petitioner is in custody since for a considerable period of time and as such, he may be granted bail on any stringent condition.

2. Learned counsel, appearing for the State, vehemently opposes the prayer for bail and submits that there are sufficient incriminating material against this petitioner in the Case Diary which reflects *prima facie* involvement of the petitioner in the alleged incident. Our attention is drawn by learned counsel for the State to the statements recorded under Section 164 of the Code of Criminal Procedure.

3. We have considered the submissions advanced by both the parties and perused the documents annexed to the Case Diary, particularly, the statements recorded under

Section 164 of the Code of Criminal Procedure. The material in the Case Diary shows *prima facie* involvement of the present petitioner in the alleged offence. It is further submitted by learned counsel for the State that evidence taking process has already started and one out of eighteen charge sheet named witnesses has partly been examined by the prosecution. Considering the material on record and the *prima facie* involvement of the present petitioner thereto, we are not inclined to allow the prayer of the petitioner for bail.

4. The application for bail being CRM (DB) 2273 of 2024 is, thus, **dismissed**.

5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

6. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)