

46.
02-09-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 2287 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 Islampur Police Station Case No.751 of 2023 dated 10-10-2023 under Sections 448/326/307/302 and 120B of the Indian Penal Code.

- A n d -

In the matter of : Saker Hussain @ Mannan

.... Petitioner.

Mr. Md. Sabir Ahmed,
Mr. Tasnim Ahamed,
Mr. Dhiman Banerjee

... For the Petitioner.

Mr. Saryati Datta,
Ms. Rajnandini Das

... For the State.

Mr. Gangadhar Das,
Mr. Tanmoy Chattopadhyay

... For the defacto complainant.

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 entangled with the offence alleged. It is further submitted by learned counsel that this petitioner has/had no active role in the alleged offence and his name only transpired from the statements of the principal accused persons. Moreover, this accused petitioner is in custody for a considerable period of time and as such, his prayer for bail may be considered.

2. Learned counsel, appearing for the State, vehemently opposes the prayer for bail and submits that there is sufficient incriminating material against this petitioner which reflects *prima facie* involvement of the petitioner in the alleged incident. It is further submitted that the charge sheet has already been submitted and charge has already been framed

by the court. The evidence taking process is going on. One out of fifteen charge sheet named witnesses has already been examined. If, at this stage, the accused is granted bail, the progress of the trial may be jeopardized.

3. We have considered the rival submissions advanced by both the parties and perused the material in the Case Diary, particularly, the seizure list and the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. Considering the *prima facie* involvement of the present petitioner in the alleged offence, we are not inclined to allow the prayer of the petitioner for bail, at this stage.

4. The application for bail being CRM (DB) 2287 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.)