

52.
07-10-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 2644 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Khargram Police Station Case No.231 of 2023 dated 08-07-2023 under Sections 364/302 of the Indian Penal Code.

- A n d -

In the matter of : Musabur Sk. @ Mosabur Hossen & Ors.
.... Petitioners.

Mr. Kumar Jyoti Tewari,
Mr. Manas Kumar Das
... For the Petitioners.

Mr. Anand Keshari,
Ms. Suparna Chatterjee
... For the State.

Mr. Md. Jannat ul Firdous
... For the defacto complainant.

Dictated by Apurba Sinha Ray, J.

Learned advocate for the petitioners says that the petitioners have been falsely implicated in this case. It is also contended that the leaders, who actually were the main culprits, have been granted anticipatory bail by a coordinate Bench. As investigation is complete, the petitioners may be granted bail on any condition.

Learned advocate for the State has vehemently opposed the prayer for bail. According to him, there is sufficient incriminating material against these petitioners including the statements of eyewitnesses recorded under Section 164 of the Code of Criminal Procedure implicating the

present petitioners in commission of the alleged offence. If the petitioners are granted bail, the prosecution will suffer a lot.

Learned advocate for the defacto complainant also strongly opposes the prayer for bail.

We have gone through the material in the Case Diary. It appears that there are incriminating materials against the present petitioners and they are specifically named in the statements of witnesses. Considering the gravity of the offence and the possible extent of complicity of the petitioners in the alleged crime, we are not inclined to allow their prayer for bail, at this stage.

The application for bail being CRM (DB) 2644 of 2024 is, thus, **dismissed**.

However, considering that the petitioners have been in custody for some time, we request the learned trial Court to expedite the trial as much as possible.

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

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)