

CRM (DB) 2651 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Ratua Police Station** Case No. **436 of 2023** dated **31.07.2023** under Section **449/376/302** of the Indian Penal Code.

- A n d -

In the matter of : Md. Habib Mostafa @ Habib Mostafa

.... Petitioner.

Mr. Kalidas Saha,
Ms. Mandira Mondal,
Ms. Khushi Mollick,

... For the Petitioner.

Mr. Partha Pratim Das,
Mrs. Trina Rakshit,

... For the State.

Order dictated by Prasenjit Biswas, J.:

1. Service report filed by the State in court today be kept with the records.
2. It is stated by the petitioner that he is completely innocent and has been falsely implicated with the alleged crime. It is further contended that the petitioner is in custody for a considerable period of time and this bail application may be considered on the ground of his prolonged incarceration.
3. Learned Counsel for the State vehemently opposes the prayer for bail. She submits that sufficient incriminating materials have been gathered by the investigating agency which show *prima facie* involvement of the accused petitioner with the alleged offence. Charge sheet has already been submitted by the investigating agency but the case has not yet been committed for trial.
4. We have considered the rival contentions advanced by both the parties and perused the materials in the case diary. It

appears that there are sufficient incriminating materials which show *prima facie* involvement of the accused petitioner in this alleged offence.

5. In view of the aforesaid, we are not inclined to enlarge the petitioners on bail at this stage.

6. CRM (DB) 2651 of 2024 is, thus, dismissed.

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

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)