

25.04.2025

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jb.
jdt.

C.R.M. (M) 35 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatia Nagarik Suraksha Sanhita in connection with Narendrapur Police Station Case No. 759 of 2023 dated 15.08.2023 under Sections 302/201 of the Indian Penal Code.

And

In Re : Dilip Purkait

... Petitioner.

Mr. Souvik Mitter
Ms. Rajnandini Das

... For the Petitioner.

Mr. Soumya Nag
Mr. Aditya Tiwari
Ms. Namrata Chatterjee

... For the *Defacto* Complainant

Mr. Joydeep Roy
Ms. Rita Dutta

... For the State

The petitioner is in custody for more than a year and prays for bail.

Learned counsel for the petitioner submits that he was shown as arrested in connection with the present proceeding when he was in custody in connection with another case. The case rests on the statement of one Haripada who has changed stance on four separate occasions. Involvement of the petitioner in the alleged offence is not found in the material on record and his further detention is not required.

Learned counsels for the State and the *defacto* complainant oppose the prayer.

Learned counsel for the State submits that CC TV footage of the place of occurrence has shown the gait pattern of the petitioner which *prima facie* shows his presence, movement and

wearing apparel. The offending fire arm was recovered from the house of a co-accused pursuant to the leading statement of the petitioner. The petitioner has several criminal antecedents to his credit and even during his incarceration, the petitioner threatened the witness Haripada from the mobile phone provided by his wife.

Considering the material on record *prima facie* connecting the petitioner to the alleged offence as well as the gravity of the offence, prayer for bail is rejected at this stage.

The application for bail is disposed of.

Case diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)