

CRM (DB) 3163 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Nandigram Police Station** Case No. **436 of 2024** dated **23.05.2024** under Sections **341/325/326/307/302/506/34** of the Indian Penal Code and Sections 25/27 of the Arms Act and Section 3 of the SC and ST (Prevention of Atrocities) Act..

- A n d -

In the matter of : Palash Bhunia @ Jhapa

.... Petitioner.

Mr. Swapan Mallick,
Ms. S. Das,

... For the Petitioner.

Mr. Debasish Roy,
Ms. S. Biswas,
Ms. Debjani Dasgupta,

... for the State.

Mr. Mayukh Mukherjee,

.... For the defacto complainant.

Dictated by Apurba Sinha Ray, J:-

1. Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in this case. He has not been named in the FIR. Investigation is complete and as such he may be enlarged on bail. There is no chance of an early conclusion of the trial since charge has not yet been framed.

2. Learned State Advocate and learned Advocate for the defacto complainant oppose the bail prayer.

3. Learned State Advocate says that the independent witnesses as well as the injured witnesses have named this petitioner. There are sufficient incriminating materials in the case diary against the present petitioner. If enlarged on bail, the prosecution may suffer.

4. We have considered the materials on record. There are sufficient incriminating materials against the petitioner. He has

been named by the injured as well as eye witnesses to the incident. We do not find any inordinate delay in proceeding with the instant matter.

5. In the report filed by the State, it is mentioned that out of 43 charge sheet named witnesses, 23 are independent witnesses and 19 are police officials/doctors and other government officials. It is also stated in the report that within one year examination of major portion of C.S. witnesses will be completed.

6. Considering all the aspects, we are not inclined to enlarge the petitioner on bail, at this stage.

7. CRM (DB) 3163 of 2024 is, thus, dismissed.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)