

32.
22-01-2025
(ct. no.29)
S. De
(Rejected)

CRM (DB) 3184 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Sibnath Rajak @ Sibnath Rajak
.....Petitioner.

Mr. Avik Ghatak,
Mr. Afteen Begum,for the Petitioner.

Mrs. Anasuya Sinha, Ld. APP,
Ms. Purnima Ghosh,for the State.

Mr. Kunal Ganguly,
Mr. Kaustav Banerjee, ...for the de facto complainant.

Dictated by Apurba Sinha Ray, J.

1. The petitioner claims that he has been languishing in the judicial custody for 9 months. There is no direct piece of evidence showing that he was involved with the commission of the alleged offence. He is the employer of the principal accused, namely, Avinash Yadav and, that is why, he has been entangled in this case. The phone number which was written in the photograph of the victim does not belong to him. Considering his period of detention, he may be enlarged on bail on any condition.
2. Learned advocates for the State and the de facto complainant have opposed the prayer for bail vehemently. According to State counsel, there are sufficient incriminating materials against the present petitioner. She has placed the call details report before this Court showing that frequent calls have been made between the present petitioner and the assailant

Deep Bowri at the relevant point of time. The examination of PW-1 is going on. If the present petitioner is enlarged on bail, the prosecution may suffer.

3. We have considered the materials-on-record and the case diary including the call detail reports showing, prima facie involvement of the present petitioner in commission of the offence. There is no inordinate delay in progress of the trial. We are not inclined to grant bail to the petitioner, at this stage.
4. CRM (DB) 3184 of 2024 is dismissed.
5. 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.)