

CRM (DB) 3316 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 **Thanapara Police Station** Case No. **67 of 2024** dated **16.03.2024** under Sections **302/34** of the Indian Penal Code

- A n d -

In the matter of : Kamal Sk.

.... Petitioner.

Mr. Sayan De,
Mr. Asraf Mondal,
Ms. Esha Acharya,
Mr. R. Chakraborty,

... For the Petitioner.

Mr. Partha Pratim Das,
Mr. Sayeed Khan,

... for the State.

Dictated by Apurba Sinha Ray, J:-

1. Learned Advocate for the petitioner says that the petitioner is in custody for about 10 months. His name does not transpire in the FIR. Subsequently, the defacto complainant has named the present petitioner at the time of recording his statement under Section 164 of the Criminal Procedure Code. The petitioner has been falsely implicated. However, considering his period of detention, he may be enlarged on bail.

2. Learned State Advocate opposes the bail prayer. He submits that the defacto complainant has committed a mistake at the time of lodging FIR. However, subsequently he rectified his mistake and named the present petitioner along with others at the time of recording his statement under Section 164 of the Code of Criminal Procedure. If the petitioner is enlarged on bail, the prosecution may suffer a lot.

3. We have considered the materials on record. It appears that the petitioner along with others have been named by the defacto complainant at the time of recording his statement. However, the name of the accused Sahad Ali who has been granted bail was not taken by the defacto complainant at the time of recording his statement under Section 164 of the Code of Criminal Procedure.

4. Since there are sufficient incriminating materials against the petitioner, we are not inclined to enlarge the petitioner on bail, at this stage.

5. CRM (DB) 3316 of 2024 is, thus, dismissed.

6. 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.)