

49.
17-01-2025
(ct. no.29)
S. De
(Rejected)

CRM (DB) 3373 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 : Prem Chand Biswas @ Katla @ Kata @ Raj
Kumar Biswas.**

.....Petitioner.

Mr. Shibaji Kumar Das,for the Petitioner.

Mr. Sandip Chakraborty,
Mr. Aslam Parvez,for the State.

Dictated by Apurba Sinha Ray, J.

1. The petitioner claims that he is in custody for about 310 days.

He has been falsely implicated in this case. The principal accused has been granted bail. He further submits that another accused person, namely, Samir was also granted bail by a co-ordinate Bench. The present petitioner is standing on the same footing. As such considering the period of detention, he may be enlarged on bail on any condition.

2. Learned counsel for the State raises strong objection.

According to him, the petitioner is the principal accused and two eye-witnesses have named the present petitioner at the time of recording statements under Section 164 Cr.P.C. There are sufficient incriminating materials against this petitioner. If the petitioner is enlarged on bail, the prosecution may suffer.

3. We have considered the materials-on-record including the statements of the witnesses recorded under Section 164

Cr.P.C. and found there are sufficient incriminating materials against the present petitioner and as such we are not inclined to allow his prayer for bail, at this stage.

4. CRM (DB) 3373 of 2024 is dismissed.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)