

26.02.2025

DL-27

Court No.26

CRM (DB) 3425 of 2024

(Bail Rejected)

(AD)

In re : An Application for Bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 in connection with **Saktigarh** Police Station Case No.**86** of **2023** dated **01.04.2023** under Sections **302/307/326/120B/34** of the Indian Penal Code, 1860 read with Sections **25/27/35** of the Arms Act, 1959 and subsequently charges framed under Sections **302/307/326/201/120B/34** of the Indian Penal Code, 1860 read with Sections **25/27/35** of the Arms Act, 1959.(SC Case No.206/23, ST Case No.34(05)/24, GR No.1758/23)

-And-

In the matter of : Mukesh Kumar

... ...Petitioner

Mr. Partha Sarathi Das, Advocate

Ms. Souraja De, Advocate

Mr. Soumen Ghosh, Advocate

... ... For the Petitioner

Mr. Rudradipta Nandy, Ld. APP

Ms. Diksha Ghosh, Advocate

... ...For the State

1. Petitioner prays for bail.
2. Learned Advocate appearing for the petitioner submits that, the petitioner was admitted at a hospital at the time when the incident occurred. He refers to the supplementary affidavit in this regard. Coordinate Bench called upon the State to submit a report with regard to the supplementary affidavit.
3. In the supplementary affidavit, petitioner annexed a document which purports to show that the petitioner was admitted at a nursing home on and from March 24, 2023 till April 2, 2023 and a prescription of a doctor.

4. Report of the State filed in Court demonstrates that, on enquiry, the nursing home stated that, petitioner was never admitted in the nursing home during the period claimed and that, doctor who allegedly issued the certificate did not work with the nursing home from 2017 till date. Nursing home authorities claimed that the documents annexed to the supplementary affidavit are fake.
5. Petitioner stands implicated in murder.
6. Considering the conduct of the petitioner in producing fake documents to secure an order of bail, the possibility of the petitioner absconding subsequent to being enlarged on bail looms large.
7. Petitioner did not come with clean hands before the Court to seek bail.
8. In such circumstances, we are not inclined to grant bail to the petitioner despite the period of custody and the number of prosecution witnesses who remains to be examined at the trial.
9. Accordingly, the prayer for bail of the petitioner is **rejected**.
10. **CRM (DB) 3425 of 2024** is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)