

30.06.2021
Item no.84
Court No.30
Avijit Mitra

C.R.M. 11227 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re : Tahijuddin Shaikh alias Raju alias Raju Halder

.... petitioner

Mr. Angshuman Chakraborty

....for the petitioner

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee,

Mr. A.K. Datta

..... for the State

The present application has been preferred under Section 439 of the Code of Criminal Procedure in connection with Panskura GRPS Police Station Case No.02 of 2020 dated 26.02.2020 under Sections 302/201 of the Indian Penal Code.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner has been roped in on the basis of mere suspicion. Upon completion of investigation, charge sheet has already been submitted. The petitioner is languishing in custody for a period of more than a year and there is no possibility towards early conclusion of trial. In the said conspectus, further detention of the petitioner, who is in custody since 3rd March, 2020, is not necessary.

Placing reliance upon the statement of the said Toto driver as recorded under Section 164 of the Code, Mr. Chakraborty submits that there is no material to establish that the trolley bag contained any dead body.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and submits that in the T.I. Parade, the petitioner had been identified by one Pranab Das, who was the driver of the Toto in which the petitioner carried the trolley bag to the railway station. The materials-on-record thus clearly reveal the direct involvement of the petitioner in the alleged offence. Let the documents, as placed, be kept on record.

We have heard the learned advocates and considered the materials in the case diary.

Prima facie, there are materials on record which reveal the involvement of the petitioner in the alleged offence. Considering the gravity of the offence, the nature of allegations and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour, at this stage.

Accordingly, the application being CRM No.11227 of 2020 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)

