

29.12.2023

C.R.M. (DB) 4854 of 2023

11.
MNS/ mb

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.12.2023 in connection with Bhowanipur P.S/D.D. Case No. 294 of 2022 dated 12.12.2022 under Sections 120B/170/395/397/467/468/471/34 of the Indian Penal Code.

And

In the matter of : Mustafa Fakruddin Dak ... petitioner

Mr. Sankar Nath Mukherjee,
Mr. Gunjan Sinha @ Kanishk Sinha,
Mr. Niraj Gupta

...For the petitioner

Mr. Swapnil Banerjee,
Ms. Purnima Ghosh

..For the State

1. The learned counsel appearing for the petitioner submits that the petitioner was not present at the time of alleged incident and was not at all involved with the alleged crime. Banking upon the said fact, learned counsel for the petitioner prays for bail.
2. Learned Public Prosecutor appearing on behalf of the State vehemently opposes the prayer for bail and submits that the petitioner- accused has been identified in the Test Identification Parade and substances have been recovered from the possession of the petitioner. He further submits that the Hon'ble Apex Court has been pleased to reject the prayer for bail of the petitioner.
3. On perusal of the Case Diary and going through the statement made under Section 164 of the Code of Criminal Procedure, this Court finds incriminating facts against this petitioner.
4. Considering the above facts and circumstances, the prayer for bail of the petitioner is rejected at this stage.

5. Both the learned counsel appearing for the petitioner and the State submit that charge has not yet been framed.
6. Considering the submissions of the parties, learned Trial Judge is requested to frame charge on the next date fixed, that is, on January 09, 2024 and to make all endeavour to conclude the trial as early as possible as per convenience of the learned Trial Judge.

(Hiranmay Bhattacharyya, J)

(Supratim Bhattacharya, J.)