

CRM 6213 of 2020
with
CRAN 1 of 2020
(old CRAN 4724 of 2020)
(Via Video Conference)

In re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalimpong P.S. Case No. 37 of 2020 dated 01.03.2020 under Sections 302/201 of the Indian Penal Code.

In the matter of : **Md. Ashraf**

..... petitioner

Mr. Arjun Chowdhury

.....For the petitioner

Mr. Aditi Shankar Chakraborty

.....For the State

The petitioner undertakes to affirm and stamp the petition as per Rules within one week of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that the petitioner is a 19-year-old who was not involved in the incident and was not named in the F.I.R.

The State refers to a statement by one of the witnesses recorded under Section 164 of the Code. According to such statement, the petitioner and another beat up deceased John Lepcha with an iron rod. The statement of the relevant witness appears to be clear and categorical.

There are other corroborating statements by different witnesses.

Considering the material against the petitioner, the prayer for bail is rejected.

CRM 6213 of 2020 and the interim application therein are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)