

15.09.2020.
21.
as
(Rejected)

C.R.M. 6514 of 2019
With
C.R.A.N.1 of 2020
(Via Video Conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali P. S. Case No.56 of 2019 dated 10.02.2019 under Sections 302/120B/109/34 of the Indian Penal Code and Sections 25(1)(a)/25(1B)(a)/27/28/29(a)(b) of Arms Act.

In the matter of : Sri Avijit Pundari.

... Petitioner.

Ms. Sananda Bhattacharyya.

...for the Petitioner.

Mr. Swapan Banerjee, Id. Sr. Govt. Adv.,
Ms. Purnima Ghosh.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, the application, being CRAN 1 of 2020, is disposed of.

Petitioner is in custody for about 600 days. It is submitted that the forensic report with regard to the weapon of offence i.e. gun is not clear.

Learned Senior Government Advocate strongly opposes the prayer for bail and submits that the petitioner was one of the persons who shot at the victim MLA who subsequently

died. There are eye witnesses to the incident and trial is in progress.

We have considered the materials on record. Statement of eye witnesses categorically show that the petitioner was one of the persons who shot at the victim. The incongruity, it may, with regard to finger prints on the recovered firearm may be assessed in the light of the ocular versions recorded in the course of trial.

However, keeping in mind the versions of the eye witnesses as transpiring from their statements recorded under Section 164 of the Code of Criminal Procedure and as trial has already commenced, we are not inclined to grant bail to the petitioner at this stage.

We, however, request the trial court to resume the trial proceedings at the earliest.

Accordingly, the prayer for bail of the petitioner is rejected.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)