

16.09.2020
Item No.24
Court No.08
Dc/Aj.

Rejected

C.R.M. 6584 of 2020
C.R.A.N. 1 of 2020
(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure arising out of Nowda P.S. Case No. 247 of 2019 dated 10.09.2019 under Sections 447/302/120B/34 of the Indian Penal Code and under Sections 25/27 of Arms Act.

And

In the matter of : Samail Sk @ Saniul Sk
... Petitioner.

Mr. Atis Kumar Biswas. ... For the Petitioner.

Mr. N.P. Agarwal. ... For the State.

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

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody for about 312 days. The petitioner's prayer for bail was earlier rejected by this Court. However, subsequently the prayers for bail of two other co-accused were allowed by this Court.

Learned counsel appearing on behalf of the State strenuously opposes the prayer for bail of the petitioner and submits that victim died due to gunshot injury. According to

him, those who were granted bail by this Court do not stand on the same footing as the present petitioner.

From the order dated 03.09.2020 passed by this Court in C.R.M. 5979 of 2020, it has been made clear why the petitioner in that case was being granted bail and that he was not standing on the same footing as the present petitioner whose bail was earlier rejected.

We too do not think that the petitioner stands on the same footing as one whose prayer for bail was allowed. Accordingly, we are not inclined to grant bail to the petitioner at this stage. The application for bail is rejected.

CRM 6584 of 2020 and CRAN 1 of 2020 are disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)

(Soumen Sen, J.)