

18.09.2020
tkm
sl no. 21

C.R.M. 6773 of 2020
CRAN 1 of 2020
(via video conference)

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Belghoria PS case no. 239 of 2020 dated 4.5.2020 under sections 341/323/325/308/34 of the IPC
And

In Re : Abhay Kumar & Anr. petitioners

Mr. Debashish Roy
Mr. D Dutta

..... for the petitioners

Mr. M Sur
Mr. D Paramanick

..... for the State

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 conferencing.

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

Petitioners are in custody for four months. Co-accused Rupali Sarkar was enlarged on bail by the court below. Her prayer for cancellation of bail has been turned down by a co-ordinate bench of this court. Allegation against the petitioners are general and omnibus in nature and no specific overt act has been attributed to the petitioners.

Learned lawyer for the State opposes the prayer for bail.

We have considered materials on record. Statement of witnesses show active participation of the petitioners in assaulting the victim whereas the role of co-accused Rupali Sarkar is one of an instigator.

In view of the aforesaid facts and the nature of injuries as noted in the post mortem report we are of the opinion that this is not a fit case to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail is rejected.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)