

25.09.2020

CRM 7014 of 2020

Court No. 8
Item No. 3 (SL)
abhar/bdatta

(Via Video Conference)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with Pursurah Police Station Case No. 98 of 2020 dated 11.06.2020 under Sections 341/325/326/307/506/34 of the Indian Penal Code, adding Section 302 of the Indian Penal Code.

and

In the matter of: Shankar Ghorui.

... Petitioner

Mr. Niladri Sekhar Ghosh,
Ms. Srimoyee Mukherjee.

.....for the Petitioner

Mr. Neguive Ahmed,
Ms. Amrita Gaur.

..... For the State

The learned advocate for the petitioner submits that he is in custody for 97 days and the other co-accused, i.e. his wife has already been granted bail in connection with the instant case. It is further submitted that the charge sheet has already been submitted and, therefore, the petitioner should also be released on bail.

The learned advocate appearing for the State opposes the prayer for bail. He relies upon the statement of the victim recorded by the attending doctor and the statement of the eye witness recorded under Section 164 of the Code of Criminal Procedure and submits that the petitioner's complicity to the alleged offence has been crystallized.

Upon hearing the respective submissions of the counsels and upon perusal of the statement of the victim made before the attending doctor and the statement of the eye witness recorded under Section 164 of the Code of Criminal Procedure, we are not inclined to release the petitioner on bail. Furthermore, the wife of the petitioner does not stand on the same footing as that of the petitioner and, therefore, the petitioner is not entitled to bail on the ground of parity. Accordingly, the prayer for bail is rejected.

The application for bail being C.R.M. 7014 of 2020 is dismissed.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)

