

08.10.2020
Sl. No.5
akd
[Rejected]

C. R. M. 7310 of 2020 *[via video conferencing]*
(CRAN 1 of 2020)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.09.2020 in connection with Nowda Police Station Case No. 247 of 2019 dated 10.09.2019 under Sections 447/302/120B/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act. (G.R. Case No.3958 of 2019)

And

In Re: **Sujat Ali Sk.**

... .. Petitioner

Mrs. Sonali Das .. Advocate

... .. for the petitioner

Mr. Saibal Bapuli .. Ld. Addl. Public Prosecutor

Ms. Sayanti Santra .. Advocate

... .. 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.

The application being CRAN 1 of 2020 is accordingly, disposed of.

It is submitted on behalf of the petitioner that he is in custody for about 392 days. It is further submitted that co-accused persons have been enlarged on bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits that firearm used to shoot at the victim was recovered pursuant to the leading statement of the petitioner.

We have considered the materials on record. Firearm allegedly recovered pursuant to the leading statement of the petitioner was used to commit the murder. Accordingly, we are of the opinion that the petitioner does not stand on the same footing with the co-accused

persons who have been enlarged on bail. In view of the materials on record and bearing in mind the gravity of the offence, we are not inclined in granting bail to the petitioner at this stage.

The application for bail is thus **rejected**.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)