

18-11-2020
k.b./b.r.
Item no.5
rejected
Crt.11

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 7827 of 2020
CRAN 1 of 2020
Rajesh Ram @ Rajesh Kumar Ram
-vs-
The State of West Bengal
(Via video conference)

In Re: An application for bail under Section 439 CrPC in connection with G.R. Case No. 463 of 2020 arising out of Asansol (s) P.S. No. 75 of 2020 dated 19.02.2020 under Sections 395/397 of the Indian Penal Code, and added Section 412 of the Indian Penal Code, and under Sections 25/27 of the Arms Act.

Mr. Biswajit Tiwari
Mr. Sk. Salim

...for the petitioner.

Mr. Saswata Gopal Mukherji
Ms. Sayanti Santra

... for the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

Learned advocate for the petitioner submits that the petitioner is in custody for 261 days and as charge-sheet has been submitted on or about May, 2020 further detention of the petitioner is unwarranted. Learned advocate for the petitioner further adds that two persons who have been accordingly granted bail are similarly placed with the present petitioner.

Mr. Mukherji, learned Public Prosecutor appearing for the State produces the Case Diary and draws the attention of this Court to the documents relating to T.I. Parade as also the seizure list. Mr. Mukherji

further submits that there are other cases pending against the petitioner and others and the present petitioner is not similarly placed as others because the persons who have been granted bail as because the complicity of the other accused persons were in respect of supplying the vehicle and as such no recovery could be effected from them.

We have taken into account the materials appearing in the Case Diary which includes the report of the T.I. Parade as also the recoveries effected pursuant to the statement of the present petitioner and the evidences appearing against him which were narrated particularly by the de facto complainant.

Having considered the complicity of the present petitioner as also the nature and gravity of the offence, we are not inclined to release the petitioner on bail.

As such the prayer for bail of the petitioner is rejected.

With the aforesaid observation, CRM 7827 of 2020 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

[Tirthankar Ghosh, J.]

[Subrata Talukdar, J.]