

November 03, 2020
srm/ARDR
(Serial No. 9)
Rejected

CRM 7927 of 2020
+
IA No. 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 Bolpur Police Station case no. 245 of 2016 dated 21/09/2016 under Sections 323/325/419/420/304/201 of the Indian Penal Code, 1860.

In Re : Nantu Jash @ Baban Jash.

... petitioner.

Mr. Sujoy Sarkar,

.....for the petitioner.

Mr. Sudip Ghosh,

Mr. Apurba Kumar Dutta,

....for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that he was only driving a vehicle when the assault on the victim took place and the petitioner had no role to play therein.

The matter pertains to the custodial death of the victim. The petitioner was driving the vehicle. The accompanying police officer can now be proceeded against since sanction to prosecute such police officer has been granted by the State.

However, the State says that the petitioner herein played an active role in the assault on the victim, albeit on the instructions of the police officer who was present. The State

says that such material was taken into account for rejecting the previous prayer in August, 2020 on CRM 5432 of 2020.

Considering the material against the petitioner and the gravity of the offence, the petitioner cannot be relieved at this moment. The prayer for bail is rejected.

CRM 7927 of 2020 and the interim application therein stand disposed of.

The State would do well to take immediate appropriate steps against the relevant police officer and report to learned Advocate-General within a fortnight from date.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)