

20.10.2020.
Item No. 12
(Rejected)

ab

C.R.M. 8000 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Arambagh P.S. Case No. 310 of 2020 dated 14.08.2020 under Sections 341/323/326/307/448/427/379/504/506/34 of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act;

And

In the matter of : **Sk. Rejaul Islam @ Fate and another.**

... petitioners.

Ms. Srimoyee Mukherjee.

...For the petitioner.

Mr. Rana Mukherjee, Ld. APP,
Mr. Soumik Ganguli.

...For the State.

The learned Advocate-on-Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing.

The learned Advocate for the petitioners submits that the victim suffered a self-inflicted injury by hurling bomb on the petitioners and a case has been registered after 7 days of such alleged incident. It is further submitted that this is a counter blast to a case registered by the petitioners against the persons and, therefore, they should be released on bail. It is vehemently submitted that one of the co-accused has been enlarged on bail and the petitioners standing on the same footing should also be treated equally. It is also submitted that the parity can be traced from the statement of the witness recorded under Section 161 of the Code of Criminal Procedure.

The learned Advocate for the State opposes the prayer for bail. It is submitted that the petitioners do not stand on

the same footing that of the other co-accused who has been granted bail. The petitioners were named in the First Information Report whereas the person who has been enlarged on bail was not named in the First Information Report and, in fact, relies upon the seizure list evincing recovery of the life bombs.

After hearing the respective submissions and on perusal of the First Information Report, it is no doubt true that the name of the other co-accused does not reflect therefrom although name of the petitioners would be evident therefrom. Furthermore, the seizure list would reveal the name of the petitioners from whose disclosure the life bombs were recovered from the backside of the school, which does not inspire our confidence to the fact that the victim suffered a self-inflicted injury. The investigation is still continuing and release of the petitioners at this stage may be fatal.

Accordingly, the application for bail being CRM 8000 of 2020 of the petitioners is **rejected** at this stage.

(Ravi Krishan Kapur, J.)

(Harish Tandon, J.)