

20.10.2020
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CRM 8021 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pukuria P.S. Case No.150/2018 dated 06.05.2018 under Sections 364/302/201/120B of the Indian Penal Code and Section 27 of the Arms Act and Section 9(b) of the Indian Explosive Act.

And

In the matter of: Alauddin @ Bura

....Petitioner.

Mr. Sekhar Kr. Basu, Sr. Adv.
Mr. S. Dutta

...for the Petitioner.

Mr. N. Ahmed
Ms. A. Gaur

...for the State.

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case and the statements of the witnesses were recorded at a belated stage. He renews his prayer for bail and submits he is in custody for over 300 days.

Learned Public Prosecutor opposes the prayer for bail and submits that prayer for bail of co-accused was turned down by a co-ordinate bench of this Court on 30.06 2020.

We have considered the materials on record and in view of the prima facie disclosing involvement of the petitioner in the alleged crime and as prayer for bail of co-accused had been turned down by a co-ordinate bench of this court and since the petitioner stands on the same footing with the said co-accused, we are not inclined to grant bail to him at this stage. Moreover, the issue with regard to delayed

recording of statements of witnesses require to be appreciated in the light of the direction given by this Court for further/re-investigation after coming to a conclusion that the prior investigation was not an effective one.

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

(Md. Nizamuddin, J.)

(Joymalya Bagchi, J.)