

CRM 8069 of 2020

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murshidabad P.S. Case No.161 of 2020 dated 13.05.2020 under Sections 302/201 of the Indian Penal Code read with Sections 25 and 27 of the Arms Act.

And

In the matter of: **Chanarul @ Sofikul Sk @ Sapikul**

....Petitioner

Mr. Ali Ahsan Alamgir

... For the Petitioner

Mr. Rana Mukherjee

Ms. Sayata Das

... For the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within one week 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 of the two principal accused, only the petitioner has been arrested and the other is absconding. The petitioner apprehends that no trial may be conducted in the near future since the other co-accused may not be available.

The petitioner further suggests that the petitioner has been named because of the long-standing enmity between the petitioner and the victim or the family of the victim.

The State relies on eyewitnesses' statements recorded under Section 164 of the Code, clearly taking the petitioner's name as part of the assaulting team which fired on the victim. The State says that

there is a direct statement of a witness to the effect that the petitioner pulled out his firearm and shot the victim.

Considering the material against the petitioner, the prayer for bail is refused.

CRM 8069 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)