

01.12.2020

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CRM 8515 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jagacha P.S. Case No.38 of 2020 dated 18.02.2020 under Sections 302/201 of the Indian Penal Code.

And

In the matter of: **MD. Sahajad @ Saka.**

....Petitioner.

Mr. Soumya Basu Roy Chowdhuri

...for the Petitioner.

Ms. Zareen N. Khan

Mr. Mirza Firoj Ahmed Begg

...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 the petitioner had nothing to do with the murder of the victim and there can be no ground for his further detention.

The State claims that the petitioner stands on the same footing as another co-accused whose prayer was rejected recently on November 12, 2020. The State says that the petitioner is from Patna and has a history of criminal activities and the slightest opportunity may be misused to jump bail and be untraceable.

It is true that on the basis of the material now available it cannot be said with much conviction that it was the petitioner who was responsible for the death of the victim in this case; at the same time the presence of this petitioner and his connection with the transaction appears to be evident. If the petitioner did not pull the

trigger, it is quite possible that the petitioner was one of the masterminds behind the killing.

Considering the gravity of the offence and the petitioner's antecedents, the prayer for bail is refused.

However, the State should ensure that the trial is taken up and conducted as expeditiously as possible. In the event there are absconding accused, the State may consider conducting a split trial.

CRM 8515 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)