

CRM 8659 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nimta P.S. Case No.203 of 2019 dated 05.06.2019 under Sections 302/120B/201 of the Indian Penal Code read with Sections 25 (1B) (a)/27 of the Arms Act.

And

In the matter of: Subir Das @ Biltu

....Petitioner.

Mr. Dipanjan Chatterjee
Mr. D. Talukder

...for the Petitioner.

Mr. N. Ahmed, APP.
Ms. A. Gaur

...for the State.

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

It is submitted on behalf of the petitioner that he is in custody for 494 days and co-accuseds have been enlarged on bail.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner was identified in the T.I. parade as the individual who had fired at the victim who succumbed to his injuries.

In view of the principal role played by the petitioner in the alleged crime, we are of the opinion that he does not stand on the same footing with the co-accuseds who have been granted bail. That apart, the allegations are grave in nature and there is ample evidence connecting the petitioner with the alleged crime. Hence, we are not inclined to grant bail to the petitioner at this stage.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)