

19.11.2020
Court No. 16
Item No.19
(D/L)
akd & ab

CRM 8724 of 2020
(Via Video Conference)

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure in connection with Amta Police Station Case No. 136 of 2020 dated 19.05.2020 under Sections 302/201/379/411/34 of the Indian Penal Code.

and

In the matter of: Pulak Malik & Ors.

..... Petitioners

Mr. Fasiur Rahaman Molla.

.....for the Petitioners

Mr. Sudip Ghosh,

Mr. Apurba Kumar Datta.

..... for the State

The petitioners undertake 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 petitioners claim that they stand on the same footing as one Abu Taher who has already been granted bail.

The State says that the petitioners do not stand on the same footing as Abu Taher. According to the State, statements have been rendered by a person who was with the deceased at the time that the deceased was attacked by the assailants and by a person who was at a nearby terrace and had a virtual bird's eye view of the incident. The State says that the person who was with the deceased at the time that the deceased was attacked has clearly named these petitioners but has not named Abu Taher as one of the assailants. On the other hand, the person who alleges to have witnessed the incident from the nearby terrace has named the petitioners and Abu Taher forming the group of the assailants.

Since the person who was with the deceased at the time that the deceased was attacked has clearly taken the name of the petitioners, it cannot be said that these petitioners may not

have been involved in the brutal murder of the victim or that these petitioners stand on the same footing as Abu Taher who has been granted bail.

Considering the statement of the person who was with the deceased at the time of incident, the petitioners' prayer is rejected.

CRM 8724 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J)