

10-11-2020
Subrata/Rajib
item no.15
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No.8798 of 2020
Subhash Singh
-vs-
The State of West Bengal

In Re: Application under section 439 CrPC in connection with Liluah P. S. Case No. 222 of 2019 dated September 4, 2019 under sections 302/120B IPC.

Mr. Moyukh Mukherjee	...for the petitioner
Mr. Madhusudan Sur	
Mr. Aniket Mitra	... for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours 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 there was a dispute with the victim over water which resulted in some degree of violence. According to the petitioner, a meeting was called to resolve the dispute whereat the victim was attacked and killed. According to the petitioner, he had no role to play in the incident, and, if he did, it was at the spur of the moment and not a premeditated attack.

The State refers to the statement of other witnesses to the effect that the petitioner was the principal assailant who charged at the victim with a dagger. The State refers to an order of December 19, 2019 by which the prayer of a co-accused for anticipatory bail was rejected.

Though the petitioner claims that other persons standing on the same footing as the petitioner have obtained bail from this court, the State says that the others were allies of the petitioner and present

at the time of the incident, but it was the petitioner who killed the victim with the petitioner's dagger.

Considering the material, the petitioner's prayer cannot be acceded to.

CRM No.8798 of 2020 is disposed of.

[Arijit Banerjee, J]

[Sanjib Banerjee, J]