

05-11-2020
k.b./b.r.
Item no.09
Crt. 08
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 8821 of 2020
Irsad @ Irshad Kha @ Kattu
-vs-
The State of West Bengal
(Via video conference)

In Re: An application for bail under Section 439 CrPC in connection with Sessions Case No. 69 of 2020 arising out of Jamuria P.S. Case No. 427 of 2019 dated 24.11.2019 under Sections 363/365/302/201/387/120B of the Indian Penal Code.

Mr. Santanu Maji

...for the petitioner.

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta

... for the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

Learned advocate for the petitioner submits that the petitioner is in custody for about 11 months and there are no special features distinguishing the present petitioner from the other accused who has been granted bail. Learned advocate further submits that as on 21.27 hrs. at the point of time the factual scenario could not be distinguished.

Learned advocate for the State opposes the prayer for bail and draws the attention of this Court to the order dated 27.02.2020 and an order dated 19.08.2020 passed by co-ordinate Benches of this Court,

thereby rejecting the prayer for bail of the present petitioner.

We have perused the order dated 19.08.2020 in CRM No. 5764 of 2020 wherein it was categorically observed that pursuant to the statement of the present petitioner that the dead body of the victim was also recovered and as such the complicity of the present petitioner cannot be ruled out.

Having taken into account the merits of the case as well as the stage of the case before the learned trial court, we are of the opinion that the petitioner has failed to make out a case for release on bail. Accordingly, the prayer for bail of the petitioner is rejected.

With the aforesaid observation, CRM 8821 of 2020 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

[Tirthankar Ghosh, J.]

[Ashis Kumar Chakraborty, J.]