

24.11.2020

Sl. No.22

Court No.12

BM

CRM 8951 of 2020

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Sessions Trial No.5(02) of 2020, corresponding to Sessions Case No.265 of 2019 pending before the learned 4th Additional District & Sessions Judge, Barrackpore, 24 Parganas(North), for trial under Sections 302/120-B/201 of the Indian Penal Code, 1860, read with Sections 25 (1B) (a)/27 of the Arms Act, 1965 arising out of Nimta Police Station Case No.203 of 2019 dated June 5, 2019.

And

In the matter of : Sri Biswajit Kundu @ Biswa

... Petitioner

Mr. Sananda Bhattacharyya

... for the petitioner

Mr. Noguive Ahmed, Learned APP

Ms. Amita Gaur

... for the State

It is submitted on behalf of the petitioner that he is in custody for 499 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.

(Soumen Sen , J.)

(Saugata Bhattacharyya, J.)