

10.11.2020
Item no. 35
Ct.8
KAUSHIK/CHC
Rejected

**C.R.M. No.9053 of 2020
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Belur Police Station Case No.01 of 2020 dated 01.01.2020 under Sections 302/120B/34 of the Indian Penal Code, 1860.

And

In the matter of:-

Abhisekh Shaw @ Bajrangi

... Petitioner

Mr. Dhananjay Banerjee

...for petitioner

Mr. Swapan Banerjee,
Ms. Purnima Ghosh

..for State

Petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of Court. The petition is taken up through video conference on the basis of such undertaking.

Mr. Dhananjay Banerjee, learned advocate appears on behalf of petitioner and moves the application for bail in connection with Belur Police Station Case no.01 of 2020 dated 01.01.2020 under sections 302/120B/34 of Indian Penal Code, 1860.

Mr. Swapan Banerjee, learned advocate, Senior Government Advocate appears on behalf of State and draws attention of order dated 24th July, 2020, of coordinate Bench, rejecting prayer for bail based on earlier rejection of bail and appreciation of prima facie material disclosing involvement of petitioner in assaulting the victim. He also refers to seizure list to demonstrate that from house of petitioner there was recovery of articles, inter alia, bamboo sticks and iron rods.

Mr. Dhananjay Banerjee refers to later order dated 20th October, 2020, of another coordinate Bench, to which one of us was party (Md. Nizamuddin, J.), to emphasize that death of victim was recorded as upon blow by cement block. There is no material to show or indicate petitioner was carrying anything other than bamboo stick.

Petitioner's submission is that he used bamboo stick in the incident where there was assault and one person died. The cement block may have caused the death. However, it appears that the articles of bamboo sticks and iron rods were recovered from petitioner's house. As such we are not inclined to grant bail.

C.R.M.9053 of 2020 is disposed of.

(Arindam Sinha, J.)

(Md. Nizamuddin, J.)

