

25.11.2020
15
Sws M/G.S.Das
Ct. No.11

CRM 9172 of 2020

(Via Video Conference)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domjur Police Station Case No. 628/2018 dated 29.8.2018 Howrah under Section 302/201 of the IPC

And

In the matter of : **Sk. Monsur Ali**

..... Petitioner

Mr. Suresh Ch. Manna for the Petitioner

Mr. Rana Mukherjee
Ms. Sujata Das
...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.

Learned Advocate for the petitioner submits that the petitioner is in custody for about 800 days and has suffered from medical ailment. The further grievance of the petitioner is that there has been no progress in the case. Learned Advocate further draws the attention of the Court to the order dated 9.10.2020 passed in CRM 7394 of 2020 by a Co-ordinate Bench.

Mr. Mukherjee, Learned State Counsel draws the attention of this Court to the statement of one Pankaj Chakraborty under Section 164 of the Code of Criminal Procedure which reflects the role of the present

petitioner which is distinguishable from the petitioner who has been granted bail in CRM 7394 of 2020. Learned Advocate for the State further submits that the offending weapons were recovered at the instance of the present petitioner.

We have taken into account the materials presented in the case diary including the role and documentary evidence so collected by the investigating agency.

Having regard to the nature and gravity of the offence, we are not inclined to the release the petitioner on bail at this stage.

In view of the observations made above, the bail application of the petitioner is **rejected** at this stage.

With these observations, CRM 9172 of 2020 is disposed of.

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

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)