

09.12.2020

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Sdas

rejected

C.R.M. 10022 of 2020
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 75 of 2020 dated 11.02.2020 under Section 6 of POCSO Act and Section 363 of the Indian Penal Code and under Sections 302/201/120B/379 of the Indian Penal Code.

And

In Re : Trideb Sarkar petitioner

Mr. Ramdulal Manna

Mr. Sayan Mukherjee

... for the petitioner

Mr. Noguive Ahmed, learned A.P.P.

Ms. Amita Gaur

... for the State

Petitioner is in custody for 287 days.

It is submitted by the learned Counsel appearing for the petitioner that co-accused has been enlarged on bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the petitioner made an extra-judicial confession to the witnesses whose statements have been recorded under Section 164 of the Code of Criminal Procedure.

We have considered the materials on record. Statements of the witnesses disclosing extra-judicial confession of the petitioner relating to murder and rape of the victim are placed on record. In view of such overwhelming evidence and as the petitioner does not stand on the same footing with co-accused who has been enlarged on bail and in view of gravity of the offence, we are of the opinion that in view of gravity of the

offence this is not a fit case to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)