

05.02.2021
Court No.28
rpan /24

C.R.M. 357 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Mohibulla Sk. @ Mou Sk.**

... Petitioner.

Mr. Rajdeep Majumdar,
Mr. Palash Bapari,
Ms. Oindrila Ghosh

... For the Petitioner.

Mr. Madhusudan Sur,
Mr. Manoranjan Mahata

... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Sessions Case No. 80 of 2020 arising out of Purbasthali P.S. Case No. 82 of 2020 dated 07.04.2020 under Sections 364A/302/201/120B/34 of the Indian Penal Code, 1860.

Mr. Majumdar, learned advocate appearing for the petitioner submits that the petitioner is in custody since 14th April, 2020 and similarly placed accused persons have already been granted bail. The learned advocate further submits that there are discrepancies in the amount of money, so demanded by different witnesses, which touch to the root of the case and questions the veracity of the prosecution case. Additionally, the learned advocate submits

that the petitioner undertakes to abide by any stringent condition imposed by this Court.

Mr. Sur, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court to the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure as well as the statement recorded under Section 164 of the Code of Criminal Procedure. The learned advocate for the State further draws the attention to the fact that similarly placed accused person, namely, Samsad Sk.'s bail was rejected *vide* CRM 10832 of 2020 on 4th February, 2021 by this Court.

We have perused the materials on record, which include the statements of the witnesses and assessed the role of the present petitioner in respect of his complicity. On a cumulative assessment of the same, we are of the opinion that the present petitioner is similarly placed with one Samsad Sk. Accordingly, we are not inclined to release the petitioner on bail at this stage. As such, petitioner's prayer for bail is **rejected**.

CRM 357 of 2021 is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)