

21.01.2021
Item No.23
Ct.No.28
Subha
rejected

C.R.M. 365 of 2021
(Via Video Conference)

Jainul Mia alias Jaynul
-versus-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Ratua P.S. Case No. 230 of 2019 dated 01-06-2019 under Sections 302/34 of the Indian Penal Code(G. R. Case No.873 of 2019).

Mr. S. S. Imam
Mr. Imdadul Haque

... For the Petitioner.

Mr. Neguive Ahmed
Mr. Mayukhi Mitra
Mr. Amita Gaur

... For the State.

Mr. Imam, learned advocate appearing for the petitioner submits that the petitioner is in custody since 1st June, 2019 and although F. I. R was registered against the 8 persons, but the present petitioner has been solely chargesheeted by the Investigating Officer of the case.

Additionally, learned advocate for the petitioner submits that considering the period of detention and the materials which have been collected by the Investigating Agency, further detention of the petitioner is unwarranted.

Mr. Ahmed, learned advocate appearing for the State opposes the prayer for bail of the petitioner and draws the attention of this Court to the different witnesses as also the purported dying declaration. Learned advocate for the State submits that this petitioner is solely responsible for the death of the two victims.

We have perused the materials in the case diary which includes the statement of the witnesses and the manner in which the victims met their end.

Having regard to the nature of allegations and the gravity of the offence and the incriminating materials appearing against the petitioner, we are not inclined to grant bail to the present petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

However, it has been submitted that on 30th January, 2021, the date that has been fixed for commitment of the case. The learned Magistrate is directed to commit the case to the learned Additional Sessions Judge on the next date so fixed.

With the aforesaid observations, the application being CRM 365 of 2021, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)