

19.02.2021

Item No.19

Ct.No.28

dc.

Rejected

C.R.M. 410 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 : **Tomirul Sk**

... Petitioner.

Mr. Sourav Chatterjee,
Mr. Amanul Islam,
Mr. Sourav Mukherjee

... For the Petitioner.

Mr. Rana Mukherjee,
Ms. Sujata Das

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Domkal P.S. Case No. 29 of 2020 dated 12.01.2020 under Sections 302/34 of the Indian Penal Code and 25/27 of the Arms Act.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. A co-accused person, who is similarly situated with the petitioner, has already been granted bail by a co-ordinate Bench of this Court in an application being CRM 148 of 2021. He further submits that upon completion of investigation, charge-sheet has also been filed and as such,

further detention of the petitioner, who is in custody for about 402 days, is not required.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioner's prayer and submits that Ripon Mondal is not similarly situated with the petitioner since the weapon was seized on the basis of a statement made by the petitioner herein. In support of such contention, he has drawn our attention to the seizure list and the statement of the petitioner under Section 27 of the Evidence Act. He further submits that out of six co-accused persons, four are still absconding and only Ripon Mondal has been granted bail.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, the seizure list and the extent of complicity of the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner.

Accordingly, the application for bail, being CRM 410 of 2021, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)