

22.02.2021
Court No.28
Item No. 52
Krishnendu
Bail Rejected

CRM 530 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Ali Hossain Mallick

Petitioner

Mr. Niladri Sekhar Ghosh

Ms. Srimoyee Mukherjee

For the Petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Khanakul Police Station Case No. 191 of 2020 dated 07.08.2020 under sections 147/ 148/ 323/ 325/ 326/ 302/506/379/34 of the Indian Penal Code, read with section 2 of the Prevention of Insult of National Honour Act.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for 191 days and the present petitioner is on the same footing as the person, who has been granted bail by a co-ordinate Bench in CRM 9052 of 2020. Additionally, the learned advocate submits that rest of the accused persons, who were arrested, have been granted bail.

The learned advocate for the State draws the attention of this Court to the statements of the witnesses and emphasises on the fact that the present petitioner is not similarly situated with the person, who has been granted bail by a co-ordinate Bench of this Court.

We have perused the case diary and we find that the person, who has been granted bail by a co-ordinate Bench of this Court, was not named in the F.I.R. as also the fact that there were certain overt acts described in respect of the present petitioner in assaulting the victim prior to his death. Having regard to the overtact attributed by the several witnesses on which the prosecution has relied upon, we are of the opinion that the petitioner is not entitled to be released on bail at this stage. Accordingly, the prayer for bail is rejected.

With the aforesaid observation, the application for bail, being CRM No. 530 of 2021, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)