

06.09.2021
3
Ct. No 29
sdas
rejected

C.R.M. 772 of 2021
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thakurpukur Police Station Case No. 20 of 2020 dated 23.01.2020 under Sections 307/326/324/34 of the Indian Penal Code.

And

In Re : Paritosh Mistry petitioner

Mr. Indrajit Dasgupta
Mr. Francis Samson Correa
Ms. Kiran Kumari Mahato
Ms. Pushpita Bhowmick

... for the petitioner

Mr. Rana Mukherjee, Learned A.P.P.
Ms. Sujata Das
Ms. Debjani Sahu

... for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner stands on the same footing with that of the persons named in paragraph 9 at page no. 5 of the petition. He further submits that the petitioner was granted bail which is noted in the order dated May 8, 2020. Prayer for bail was ultimately rejected in view of the discrepancy in the address.

Learned Additional Public Prosecutor appearing for the State draws the attention of the Court to the fact that the petitioner cannot claim parity. The weapon by which the petitioner dealt the fatal blow was recovered from the petitioner.

There are other materials on record to support the claim that the petitioner is the main person involved in the incident.

Learned advocate appearing for the petitioner relies upon the order of the Hon'ble Supreme Court directing grant of bail to the accused in the ongoing Covid 19 situation.

The Hon'ble Supreme Court in Special Leave Petition (CRL) No. 4116 of 2020 (National Alliance for People's Movements & Ors. vs. The State of Maharashtra & Ors.) constituted a High Power Committee for the purpose of considering grant of bail of the persons who were accused in order to decongest the prisons in view of ongoing pandemic.

Apparently, some of the accused persons in the police case were granted interim bail. There is an order dated May 8, 2020 noting the recommendation of the Committee constituted by the Hon'ble High Court at Calcutta with regard to the petitioner. Subsequently, the Court considering the gravity of the situation rejected the prayer for bail of the petitioner.

Learned Additional Public Prosecutor appearing for the State draws the attention of the Court to the three orders of the High Court rejecting the prayer for bail in respect of three other accused persons.

There are other orders of the High Court rejecting the prayer for bail in respect of the persons involved in the same incident.

Considering the gravity of the offence, the complicity of the petitioner therein and the facts and circumstances of the case, we reject the prayer for bail of the petitioner.

Accordingly, prayer for bail is rejected and the application being CRM 772 of 2021 is dismissed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)