

18.03.2021
Item No.90
Ct.No.28
Subha
rejected

C.R.M. 844 of 2021
(Via Video Conference)

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

In the matter of : **Ensan Sk. @ Insan Sk.** ... Petitioner.

Mr. Anisur Rahaman

... For the Petitioner.

Ms. Sonali Das

...for the de facto complainant.

Mr. Nequive Ahmed, APP

Ms. Trina Mitra

...for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Sagardidhi Police Station Case No. 163 of 2018 dated 04-05-2018 under Sections 341/325/326/307/34 of the Indian Penal Code.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for about 2 years and 10 months and four of the co-accused persons have been granted bail by a co-ordinate Bench of this court.

Learned advocate for the petitioner further submits that on any stringent condition, the petitioner may be released on bail.

Ms. Mitra, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this court to the statement of the eye-witness. According to her the present petitioner is not similarly situated as those of the accused who are granted bail namely *Abdul Kalam, Mirjin Sk, Henera Bibi, Uttam Sk and kismot Sk*.

We have perused the materials on record available in the case diary and the statement of the witnesses and we find that the four co-accused persons who were granted bail were simply conspirators and the present petitioner along with another group of persons inflicted the vital blows leading towards the death of the victim.

Having regard to the incriminating materials appearing against the present petitioner and the nature and gravity of the offence, we are not inclined to release the present petitioner on bail and as such, the prayer for bail of the present petitioner is rejected.

With the aforesaid observations, the application for bail being CRM 844 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)