

09.07.2021  
Court No.5  
SL No.8  
AP/ss

**CRM 1900 of 2021**

(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jamuria P.S. Case No.427 of 2019 dated 24.11.2019 under Sections 363/365/302/201/387/120B of the Indian Penal Code.

And

In the matter of: **Irsad Kha @ Irshad Kha @ Kattu Kha**

....Petitioner.

Mr. Prosenjit Mukherjee

...for the Petitioner.

Mr. Madhusudan Sur, A.P.P.

Mr. Dipankar Paramanick

...for the State.

The charges against the petitioner are grave in nature. They are under Section 363 (kidnapping), Section 302 (murder), Section 201 (causing disappearance of evidence) and Section 120B (conspiracy). The petitioner says that he has been in jail from December 2, 2019. He prays for bail on the ground that he needs urgent medical assistance. It is submitted that other two accused persons have been granted bail and they stand on the same footing as the petitioner.

Learned Additional Public Prosecutor opposes the prayer. The Case Diary is produced. It is submitted by learned Additional Public Prosecutor that the co-accused persons who have been granted bail stand on different footings. We have perused the Case Diary. The recovery of the dead body was made pursuant to the statement made by the petitioner. The money was recovered from the possession of the petitioner.

Having regard to the nature and gravity of the charge and the material in the case diary and also having regard to the fact that thrice the petitioner's prayer for bail has been rejected by this Court, the last of which was on November 5, 2020 and as there has been no change in circumstances since then, we are not inclined to grant bail.

However, in the event the petitioner requires medical assistance, the same shall be arranged by the authorities of the correctional home where the petitioner is housed and there should be no deficiency in that regard.

With the above observation, CRM 1900 of 2021 is disposed of.

**[Arijit Banerjee, J.]**

**[Arindam Mukherjee, J.]**