

21.06.2021

Court No.28
Item No.18
(Rejected)

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CRM 2164 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with New Town Police Station Case No. 477 of 2018 dated 18.11.2018 under Sections 302//201/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In the matter of : **Mohor Ali Laskar @ Mohor Laskar.**
...Petitioner

Mr. Sekhar Kr. Basu, Sr. Adv.,
Mr. Kusal Kr. Mukherjee,
Mr. Sayan Mukherjee,
Sk. Ashique Ul Islam.

...For the Petitioner

Mr. Swapan Banerjee,
Mr. Suman De.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with New Town Police Station Case No. 477 of 2018 dated 18.11.2018 under Sections 302//201/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

Mr. Basu, learned Senior Advocate appearing for the petitioner submits that the petitioner has been wrongly implicated in connection with the instant case. He further submits that though the petitioner was identified in T. I. Parade but there is no incriminating materials unearthed during the investigation which may lead to a complicity of the petitioner to the alleged offence. According to him, mere recovery of the fire arms which had no nexus or relation to the commission of an offence does not automatically lead to the involvement of the petitioner in the murder of the victim. He also submits that not a single witness has been examined as of date and there is every likelihood that it would not be so in the near future.

Mr. Banerjee, learned Advocate for the State opposes the prayer for bail. According to him, the earlier application for bail was rejected as the petitioner was not found on the same pedestal that of

the other co-accused who had been granted bail. Furthermore, the direct complicity of the petitioner to the alleged offence has been prima facie established during investigation and even the fire arms were recovered on the information/disclosure of the petitioner.

After hearing the respective Counsels and on perusal of the materials available from the Case Diary, it is no doubt true that the fire arms were recovered from the possession of the petitioner on his disclosure and he was also identified during the T. I. Parade. Though the learned Advocate for the State could not apprise us whether the fire arms as well as the bullet were sent to the forensic laboratory but we find from the record available before us i.e. Case Diary that it was so and the report would reveal some nexus with the present petitioner. Furthermore, the plea of parity cannot be extended to the petitioner for the simple reason that the Co-ordinate Bench on an earlier occasion while dealing with an application for bail being C.R.M.8429 of 2019 categorically recorded that the petitioner did not stand on the same footing that of the other co-accused who had been enlarged on bail. Obviously, all the orders granting bail to the other co-accused were passed prior to the said date and, therefore, the Co-ordinate Bench was quite alive of the aforesaid facts and observed in the fashion as indicated in law.

Since the case has matured enough and the witnesses are to be examined, we do not think that it is a fit case where the petitioner should be enlarged on bail at this stage.

However, we direct the prosecution to take all efforts to bring the case to its logical conclusion at an earliest and shall not ask for an adjournment except on unavoidable and unforeseen circumstances.

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail, being CRM 2164 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)

