

01.06.2021

Sl. No.11

Court No.30

BM

CRM 2425 of 2021

(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973.

And

In the matter of: Nafai Sk. @ Nafikul Mollick & Ors.

... Petitioners

Mr. Satadru Lahiri

Mr. Mirza Firoj Ahmmed Beg

... for the petitioners

Mr. Arindam Roy

... for the defacto complainant

Mr. S. G. Mukherji, learned PP

Mr. Madhusudan Sur, APP

Mr. Dipankar Paramanick

... for the State

The first and second petitioners are charged for the offence punishable under Section 341/302/34 of the Indian Penal Code. There is also a primary ground on which the bail has been sought for is that by an order dated October 6, 2020 passed by Coordinate Bench in CRM 6756 of 2020 bail has been granted to a similarly placed person. It is also submitted on behalf of the petitioner that from the material it would be evident that there is no serious involvement of the petitioner in the alleged crime.

Mr. Saswato Gopal Mukherji, learned Public Prosecutor appears for the prosecution and placed the case diary before us. It is evident from the seizure at page 16 of the case diary, that a wooden rod stained with blood was seized from the possession of the petitioner no.1. Learned Public Prosecutor submits that Samim Aktar Mallick @ Samim Akter Mollick was granted bail in connection with

CRM 6756 of 2020 as he is not named in the First Information Report and stands wholly on a different footing. Learned advocate for the defacto complainant appearing before us raised objection to grant of bail contending that the charge sheet has been submitted. The trial has already commenced and four witnesses have been examined.

Considering the aforesaid submission and the grievous nature of the charges, we are not inclined to grant bail to the petitioners. It is also relevant to mention that the second and third petitioners' application for bail have also been rejected earlier by a Coordinate Bench and there has been no subsequent development or change in circumstances thereafter since the trial is proceeding.

In view of the above, CRM 2425 of 2021 stands dismissed.

(Aniruddha Roy, J.)

(Shivakant Prasad , J.)