

16.07.2021

Court No.28
Item No.17

Saswata

CRM 2494 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 04.03.2021 in connection with Chanchal Police Station Case No. 993 of 2020 dated 03.11.2020 under Sections 147/148/149/326/307/302/201 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act;

And

In the matter of : **Sukbar Ali @ Sukbar**
...Petitioner

Mr. Shekhar Kumar Basu, Sr. Adv.
Mr. Sujoy Sarkar
Mr. Arup Sarkar **...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 in connection with Chanchal Police Station Case No. 993 of 2020 under Sections 147/148/149/326/307/302/201 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act.

Mr. Basu, learned Senior Advocate, moved the instant application primarily on the ground of parity. According to him, the petitioner stands on the same footing with that of the other co-accused namely, Aminul Hoque and Machu Sk. who were released on bail in CRM 949 of 2021 on 19th March 2021.

Mr. Basu submits that the principal accused is Babul Hossain who fired the gunshot and the deceased suffered bullet injury and the same being the cause of the death would be evident from the postmortem report. According to him, there is no complicity of the petitioner to the commission of an alleged offence and he is not the principal accused. The petitioner should also be released on bail.

The learned Advocate for the State opposes the prayer for bail.

A plea has been taken that the petitioner does not stand on the same footing with that of the other co-accused who were enlarged on bail. He relies upon the statement of the injured persons recorded under Section 161 of the Code of Criminal Procedure and the injury report concerning the aforesaid persons.

After perusing the statement of the injured persons who were obviously present at the spot, the petitioner may not have shot the gun which led to the cause of death but has a role attributable to the aforesaid offences and the injury being caused to other persons, we do not think that the petitioner stand on the same footing with that of the other co-accused who had been enlarged on bail.

The prayer for bail of the petitioner is considered and ***rejected***

(Harish Tandon, J)

(Subhasis Dasgupta,J.)