

07.06.2021
SL No.7
Court No. 30
(sd)

CRM 2673 of 2021

(Through Video Conference)

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

And

In the matter of: **Kader Mondal**

....Petitioner.

Mr. Kollol Mondal

...for the Petitioner.

Mr. N. Ahmed

Md. A. Hossain

Mr. P. Ganguly

..for the State.

The petitioner is seeking release on bail on any condition of parity with the co-accused persons, namely, Khairul Mondal and Alamgir Mondal.

The learned counsel for the petitioner submits that the petitioner is in custody for the last 126 days in connection with this case and he surrendered before the court but he was taken into custody. He further submits that all the co-accused persons are already on bail and that the petitioner stands on the same footing with the other accused persons. Since the charge sheet has been submitted, there is no requirement for custodial interrogation. It is further pointed out that Khairul Mondal is the main accused as per the statement of eye witness recorded under section 164 Cr.P.C though he has been granted bail.

Learned counsel appearing for the State submits that the petitioner does not stand on the same footing as he was absconding and further invites our attention to injury report at page 33 of the case diary wherein the deceased has mentioned

the name of the assailant before the doctor. That apart, it is pointed out that pursuant to the warrant of proclamation issued against the petitioner as he was absconding, he surrendered before the court. But Mr. Mondal submits otherwise that since anticipatory bail preferred by him was rejected, then he surrendered.

Bearing in mind that the petitioner was an absconder, he cannot claim parity with other accused persons who had been admitted on bail on discretion applied by Co-ordinate Courts. We are not inclined to grant bail.

Thus, the prayer for bail is rejected at this stage.

Learned Sessions Judge shall take all endeavor to expedite the hearing of the case as expeditiously as possible.

Thus CRM 2673 2021 stands dismissed.

(Saugata Bhattacharyya, J.)

(Shivakant Prasad, J.)