

28.06.2021

Court No.28
Item No.43
(Rejected)

Akd
&
As

CRM 2736 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Dhubulia Police Station Case No. 107 of 2020, dated 22.05.2020 under Sections 302/341/326/307/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In the matter of : **Suman Gain.**

...Petitioner

Mr. Jyotirmoy Adhikary.

...For the Petitioner

**Mr. Madhusudan Sur,
Mr. Dipankar Pramanick**

...For the State.

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Dhubulia Police Station Case No. 107 of 2020 under Sections 302/341/326/307/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

Earlier the application filed by the present petitioner along with other co-accused, namely Mannan Gain @ Guin, being CRM 8033 of 2020, was rejected on 19th October, 2020 so far as the petitioner no. 1 is concerned, but the other co-accused, namely Mannan Gain @ Guin, was granted bail, as the Co-ordinate Bench did not find any material against him for further custodial interrogation. However, the Co-ordinate Bench found that there was incriminating material available against the petitioner no. 1 therein and, therefore, despite the present petitioner having in custody for nearly 480 days, we do not find that any improved situation as of the

day warranting different decision to what had already been taken at the time of rejection of an earlier application.

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

The application for bail, being CRM 2736 of 2021, is thus **dismissed**.

(Harish Tandon, J)

(Subhasis Dasgupta, J.)