

30.06.2021

Court No.28
Item No.71
(Rejected)

Akd
&
As

CRM 2914 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Murshidabad Police Station Case No. 161 of 2020, dated 13.05.2020 under Sections 302/201 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In the matter of : **Chanarul @ Sofikul Sk @ Sapikul.**
...Petitioner

Mr. Sabir Ahmed,
Mr. Ali Ahsan Alamgir,
Ms. Riya Das.

...For the Petitioner

Mr. Rana Mukherjee, Id. A.P.P.,
Ms. Sujata Das,
Ms. Debjani Sahu.

...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 Murshidabad Police Station Case No. 161 of 2020, dated 13.05.2020 under Sections 302/201 of the Indian Penal Code and Sections 25/27 of the Arms Act.

The petitioner is languishing in jail for more than one year in connection with the aforementioned case initiated since the deceased was shot dead. A plea has been taken that there is no iota of evidence that the bullet was fired from the firearms belonging to the petitioner and, therefore, the petitioner should not be compelled to remain in jail for all time to come.

It is no doubt true that the ballistic report has not been received by the prosecution as of date, though it has been sent for such purposes. We further notice the categorical findings recorded by the Co-ordinate Bench in an earlier application filed by the petitioner being C.R.M.8069 of 2020, which was dismissed on 20th October, 2020, wherefrom it appears that the petitioner's complicity to the alleged offence can be found from the statement of the eye witnesses recorded under Section 164 of the Code of Criminal Procedure.

We, thus, do not find any changed circumstances between the interregnum period from the rejection of the first application and the filing of the instant application.

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

The application for bail, being CRM 2914 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Subhasis Dasgupta, J.)