

09.08.2021

Court No.28
Item No.12
(REJECTED)

Saswata

CRM 3960 of 2021

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Ausgram Police Station Case No. 138 of 2020 dated 10.06.2020 under Sections 341/326/307/302/34 of the Indian Penal Code;

And

In the matter of : **Jane Alam Sk. @ Janai**

...Petitioner.

Mr. Sujoy Sarkar

...For the Petitioner

Mr. Rana Mukherjee

Ms. Sujata Das

Ms. Debjani Sahu

... For the State

Mr. Subir Ahmed

Mr. Golam Karim Chowdhury

... For the de facto

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 in connection with Ausgram Police Station Case No. 138 of 2020 under Sections 341/326/307/302/34 of the Indian Penal Code.

The petitioner is seeking bail having in custody since last 342 days. It is submitted that the principal accused has already been granted bail and the petitioner who is a fringe player, is still languishing in jail.

Our attention is drawn to the fact that bail was granted by the Court below to the principal accused and steps have been taken for cancellation, thereof. Subsequently, another person who stands on the same footing that of the petitioner, namely, Dalim Sk. and another also filed an application for bail, which was rejected.

Since the petitioner stands on the same footing that of the another person and considering the gravity of the offence having allegedly committed, we do not find any justification in releasing the petitioner on bail.

The application for bail is, thus, considered and **rejected**.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)