

06.08.2021

Court No.28
Item No.19
(REJECTED)

Saswata

CRM 3975 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 08.06.2021 in connection with Pukhuria Police Station Case No. 06 of 2021 dated 08.01.2021 under Sections 302/201/34 of the Indian Penal Code;

And

In the matter of : **Abir Das @ Bitan Das**

...Petitioner.

Mr. Mritunjoy Chatterjee

Mr. Debapriya Majumder

...For the Petitioner

Mr. Saibal Bapuli, APP

Mr. Soumik Ganguli

... 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 in connection with Pukhuria Police Station Case No. 06 of 2021 under Sections 302/201/34 of the Indian Penal Code.

The petitioner is languishing in jail for nearly 7 years in connection with the aforementioned case. The case has been initiated on the unfortunate death of a minor boy who was a sport enthusiast. He was called to play badminton and, thereafter, his dead body was found. Initially, the case was initiated against 8 persons, including the petitioner. Subsequently, at the time of filing of the charge sheet, 6 persons were exonerated and the charge-sheet has been filed against the petitioner and another person, namely, Sagar @ Toton.

A plea has been taken that since the other co-accused has

been enlarged on bail, the petitioner is unnecessarily languishing in jail and, therefore, he should be released on bail. It is undeniable that the other co-accused was a juvenile and, therefore, the bail was granted by the Juvenile Justice Board. The petitioner being a minor cannot seek parity on such ground.

After perusing the statement of the witnesses under Section 164 of the Code of Criminal Procedure, we do not find any material justifying the release of the petitioner on bail at this stage.

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

(Harish Tandon, J)

(Bibek Chaudhuri, J.)