

23.08.2021

Court No.28
Item No.41
(REJECTED)

Ab

CRM 4236 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 22.06.2021 in connection with Raiganj Police Station Case No. 11 of 2020 dated 05.01.2020 under Sections 302/120B/109 of the Indian Penal Code read with Sections 25(i)(a)/27 of the Arms Act (G.R. Case No. 33 of 2020);

And

In the matter of : **Ershad Alam @ Ershad @ Ershad Ali.**
...Petitioner.

Mr. Anindya Ghosh,
Mr. Sudip Guha.

...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 Raiganj Police Station Case No. 11 of 2020 dated 05.01.2020 under Sections 302/120B/109 of the Indian Penal Code read with Sections 25(i)(a)/27 of the Arms Act.

Learned Advocate for the petitioner has invited sympathetic consideration of this Court due to prolong detention of the petitioner in connection with this case during investigation. It is also submitted that a co-accused, namely, Rahaman Ali, being on the same footing was enlarged on bail on 12th May 2020 by a Co-ordinate Bench in CRM 3206 of 2020.

On the contrary, learned Public Prosecutor in-Charge opposes the prayer for bail.

On careful perusal of the case diary it is found that two firearms were recovered from the possession of the petitioner. Moreover, it is revealed from the statement recorded under Section 164 of the Code of Criminal Procedure made by the witnesses to whom the deceased stated while being taken away to the hospital that the petitioner injured him by gunshot. Furthermore, the prayer for bail of the petitioner was refused by a Co-ordinate Bench on 28th January 2021 in CRM 10796 of 2020.

Considering all such materials, we are not inclined to release the petitioner on bail.

The application for bail being CRM 4236 of 2021 is **rejected**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)