

25. 05.10.2021
Ct.32
Tanmoy
Rejected

C.R.M. 4646 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **09/07/2021** in connection with Cri. Misc. Case No. 154 of 2021 arising out of **Arambagh Police Station Case No. 295 of 2020** dated **07/08/2020** under Sections **341/325/326/307/302/427/506/34** of the Indian Penal Code.

And

In the matter of: - **Sk. Jamir Hussain @ Chandu**

...petitioner.

Mr. Sabyasachi Banerjee,
Mr. Avik Ghatak,
Mr. Soham De Dhara

...for the petitioner.

Mr. Niladri Sekhar Ghosh,
Mr. Mujibar Ali Naskar

...for the *de facto* complainant.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta,
Mr. Bitasok Banerjee

...for the State.

The petitioner renews his prayer for bail in connection with offence under Sections 341/325/326/307/302/427/506/34 of the Indian Penal Code.

Learned Advocate appearing on behalf of the petitioner submits that this application has been filed on the ground of change in circumstances to the extent that on the previous occasion the documents under Section 207 of the Code of Criminal Procedure were not available with the petitioner and that after getting those documents he has preferred this application. He further submits that a co-accused, who has direct implication in the alleged offence, has been granted bail by

the learned trial Court and as per the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure, there is no direct involvement of this petitioner. In the light of the above, learned Advocate of the petitioner submits that the bail prayer of the petitioner may be considered and allowed.

Learned Advocate appearing on behalf of the State vehemently opposes the bail prayer of the petitioner and submits that there has been recovery of live bombs pursuant to the statement of this petitioner and furthermore, the statements of witnesses clearly implicate this petitioner of his involvement in the alleged offence.

We have heard learned Advocates of both the sides and perused the material in the Case Diary. It appears from the statement of the injured recorded under Section 164 of the Code of Criminal Procedure that there is *prima facie* material indicating involvement of this petitioner in the alleged offence. Further, pursuant to the statement of this petitioner there has been recovery of live bombs. In view of the aforesaid and the fact that the bail prayer of this petitioner was rejected by a co-ordinate Bench of this Hon'ble Court on January 19, 2021 in C.R.M. 10758 of 2020 and considering the material as indicated above and keeping in mind the complicity of this petitioner as also the nature and gravity of the alleged offence, we are not inclined to allow the bail prayer of this petitioner.

Accordingly, the application for bail being C.R.M. 4646 of 2021 is **dismissed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)