

15.11.2021
Serial no. 434

Ct. No. 29
S. De

(Through Video Conference)

CRM 4745 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 15.07.2021 in connection with Andal Police Station Case No. 320 of 2020 dated 12.11.2020 under Sections 147/148/149/302/307/326/201/120B of the Indian Penal Code and Sections 25 (1B) (a)/27/35 of the Arms Act.

-And-

In the matter of : Pan Kisto Nunia @ Pran Krishna Nonia @ Prankisto Noniya & Others.

... ..Petitioners

Mr. Sekhar Kr. Basu, Ld. Sr. Advocate,
Mr. Antarikhya Basu, Advocate
Ms. Madhumita Basak, Advocate

... .. For the Petitioners

Mr. Samrat Choudhury, Advocate

... ..For the de facto complainant

Mr. Madhusudan Sur, Ld. A.P.P.

Mr. Dipankar Paramanick, Advocate,

..... For the State.

Petitioners seek bail.

Learned senior advocate appearing for the petitioners submits that the petitioners stand on the same footing as that of the co-accused who were granted bail on March 26, 2021 in CRM 1208 of 2021.

Learned advocate appearing for the State submits that the petitioners do not stand on the same footing as that of the persons granted bail on March 26, 2021. He submits that the names of the co-accused who were granted bail on March 26, 2021 transpire from the statements of two persons recorded one and a half month after the date of the incident. He submits that the four petitioners are herein named in the statement recorded under Section 164 of the Code of Criminal Procedure immediately after the incident.

Considering the materials in the case diary and considering the fact that the four petitioners are named in the

statement recorded under Section 164 of the Code of Criminal Procedure immediately after the happening of the incident, we are unable to hold that the petitioners are in the same footing as that of the persons who were granted bail on March 26, 2021. The order dated March 26, 2021 proceeds to grant bail to the four petitioners therein on the basis of that their names transpire in the statement made by the two persons recorded one and a half month after the date of the incident.

Considering the statements recorded under Section 164 and considering the involvement of the petitioners in the incident we are unable to grant bail to the petitioners.

Consequently, the application for bail is rejected.

CRM 4745 of 2021 is dismissed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)