

07.10.2021
Item no. 22
Court No.32.
S.De.
(Rejected)

(Via Video Conference)

CRM 5310 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.08.2021 in connection with Malipanchghora Police Station Case No. 35 of 2021 dated 27.02.2021 under Sections 302/506/120B of the Indian Penal Code and 25(1-B) and 27 of the Arms Act.

And

In the matter of : Shahid Ansari and Another.

.....Petitioners.

Mr. Sekhar Kumar Basu, Ld. Senior Advocate,
Mr. Soumya Basu Roy Chowdhuri, Advocate,
Mr. Pinaki Ghosh, Advocate,

.....for the Petitioners.

Mr. Kallol Mondal, Advocate,
Mr. Ramashis Mukherjee, Advocate,
Mrs. Amrita Chell Dutta, Advocate,

.....for the de facto Complainant.

Mr. Neguive Ahmed, Ld. A.P.P.,
Mrs. Trina Mitra, Advocate,

.....for the State.

The petitioners are two out of several accused persons. They say that they were not the primary assailants. As per the statement of one eyewitness who is also related to the victim, a third person shot the victim.

We have seen the material in the case diary including statements of witnesses. Prima facie, the role of the petitioners in the alleged incident cannot be ruled out. There are incriminating material against these petitioners.

On an overall assessment of the material on record and the facts and circumstances of the case, although charge-sheet may have been submitted, we are not inclined to allow the petitioners' prayer for bail, at this stage.

CRM 5310 of 2021 is, accordingly, dismissed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)