

15.09.2021
23
Ct. No 29
KAUSHIK
(REJECTED)

C.R.M. 6015 of 2021
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Faridpur Police Station Case No. 87 of 2020 dated 09.11.2020 under Sections 302/201/120B of the Indian Penal Code.

And

In Re : Suday Mahanta petitioner

Mr. Amajit De

... for the petitioner

Mr. Rana Mukherjee

Ms. Sujata Das

Ms. Debjani Sahu

... for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody in excess of 300 days. He submits that, charge-sheet was submitted by the police and, therefore, further detention of the petitioner is not required. He draws the attention of the Court to the order dated July 28, 2021 by which, bail of the co-accused was granted. He submits that, one of the co-accused named the petitioner. The petitioner is falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the statement made by the wife of the petitioner under Section 164 of the Cr. P. C. He submits that, the petitioner is a contract killer. Wife of the petitioner stated that she saw the petitioner accepting the contract amount for carrying out the incident.

Learned advocate for the petitioner submits that, the statement made under Section 164 of the wife of the petitioner was taken into consideration by the Coordinate Bench when the Coordinate Bench granted bail to the co-accused on July 28, 2021.

Considering the materials in the case diary and considering the statements recorded under Section 164 of the Cr. P. C. and particularly the statement of the wife of the petitioner, where she claims that she saw the petitioner accepting the contract amount for the incident, we are unable to hold that the petitioner stands on the same or a better footing than the person granted bail on July 28, 2021. We are unable to grant bail to the petitioner, as prayed for.

Accordingly, prayer for bail is rejected and the application being CRM 6015 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)