

22.09.2021
17
Ct. No 29
sdas
rejected

C.R.M. 6166 of 2021
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 697 of 2016 dated 10.10.2016 under Sections 147/148/149/447/307/302 of the Indian Penal Code and Sections 3/4 of the Explosive Substance Act

And

In Re : Ujjwal Mandal petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
... for the petitioner

Mr. Sudip Ghosh
Mr. A. K. Datta
Mr. B. Banerjee
... for the State

Petitioner renews prayer for bail.

Learned advocate for the petitioner submits that the earlier application for grant of bail was rejected on September 10, 2020. Subsequent thereto, other co-accused persons were granted bail by a co-ordinate Bench of this Court. He also submits that since the petitioner is in custody in excess of four years, further detention of the petitioner is not required.

Learned advocate appearing for the State submits that the petitioner is the principal accused. He draws the attention of the Court to the statements of the eye-witnesses recorded under Section 164 of the Code of Criminal Procedure.

Considering the fact that on September 10, 2020 when the earlier prayer for bail was rejected by a co-ordinate Bench, it

was recorded that the petitioner does not stand on the same footing as that the co-accused persons who were granted bail. Moreover, considering the fact that the petitioner is the principal accused and considering the statements recorded under Section 164 of the Code of Criminal Procedure of the eye-witnesses and considering the fact that there is hardly any change in the circumstances subsequent to the order dated September 10, 2020, we are unable to grant bail to the petitioner.

Accordingly, prayer for bail is rejected and the application being CRM 6166 of 2021 is dismissed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)