

09.11.2021
tkm/ct 28
sl no. 15

C.R.M. 7072 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jhargram P.S case no. 268/2020 dated 8.12.2020 under sections 302/34 of the Indian Penal Code read with sections 25(1-A)(1-B)/27 of the Arms Act

And

In Re : Biswajit Pradhan petitioner

Mr. Sourav Chatterjee

Mr. A Ghatak

Mr. Sagnik Mukherjee

..... for the petitioner

Mr. S G Mukherjee, ld PP

Mr. M Sur

Mr. M Mahata

..... for the State

Petitioner is in custody for 332 days. It is submitted on behalf of the petitioner that the incident occurred on the spur of the moment due to a skirmish in the course of a football match.

Learned lawyer for the State opposes the prayer for bail and submits that a co-accused has been enlarged on bail by a co-ordinate Bench of this court.

We have considered the materials on record including the statements of witnesses prima facie disclosing the petitioner as the principal assailant who assaulted the victim resulting in his death. Recovery of incriminating weapons have already made pursuant to the leading statement of the petitioner.

In view of the aforesaid facts, we are of the opinion that the petitioner does not stand on the same footing with the co-accused who has been enlarged on bail. Keeping in mind the gravity of the offence and the prima facie involvement of the petitioner in the alleged crime, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail is rejected.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)