

CRM 7954 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Nowshad Ali @ Nasir Ali @ Gadu

.....Petitioner

Mr. Pronojit Roy

.....for the Petitioner

Mr. Swapan Banerjee
Ms. Purnima Ghosh

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Nakashipara P.S. Case No. 286 dated 23.06.2021 under Sections 302/201/396 of the Indian Penal Code.

Heard the learned lawyer for the petitioner and perused the case diary.

The learned lawyer appearing for the petitioner submitted that the charge sheet has been filed. Some other co-accused are on bail. Custodial detention is not necessary; accordingly, prayed for bail.

Per contra, the learned lawyer appearing for the State vehemently opposed the bail on the ground that the present petitioner is on different footing from the co-accused who are enjoying bail and has direct nexus with the alleged offence.

We have perused the case diary and the orders passed by the coordinate Benches of this Court. We have also perused the

statement of one of the co-accused wherefrom it appears that the present petitioner was directly involved in the case of murder along with another. Therefore, the present petitioner is on a different footing from the others who are on bail.

Considering the seriousness of offence and its gravity, we are not inclined to exercise our discretion. The prayer for bail stands rejected.

The application being CRM 7954 of 2021 is dismissed.
All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)