

08-04-2021
Subha
Item no.16
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 10761 of 2020

Sri Gopal Chandra Ghosh

-vs-

The State of West Bengal
(Via video-conference)

In Re: An application for bail under Section 439 CrPC in connection with Kalyani P.S. Case No.247 of 2020 dated July 31, 2020 under Section 302 of the Indian Penal Code and 25/27 of the Arms Act.

Ms. Sananda Bhattacharya

...for the petitioner.

Mr. Nequive Ahmed

Ms. Amita Gaur

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kalyani Police Station Case No. 247 of 2020 dated July 31, 2020 under Section 302 of the Indian Penal Code and 25/27 of Arms Act.

Ms. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner is similarly placed with another accused person namely, Bishal Singha, who has been granted bail by the learned Sessions Court.

Additionally, learned advocate for the petitioner submits that as there is no scope for trial being concluded in the near future and there has been deviation of facts from the first information report to the statement of witnesses as also the statement recorded under

Section 164 of Code of Criminal Procedure, the petitioner should be released on bail on any stringent condition.

Mr. Ahmed, learned advocate for the State opposes the prayer for bail and submits that the petitioner is the mastermind between the offence being committed and the materials so concluded by the Investigating Agency shows that there was previous enmity between the deceased and the present petitioner which is the cause of death of the deceased/victim.

We have perused the case diary, more particularly the statement of the witnesses and having regard to the manner in which the offence has been committed and the complicity of the present petitioner, we are of the opinion that this is not a fit case for releasing the present petitioner at this stage.

Accordingly, the prayer for bail of the present petitioner is hereby rejected.

The application for anticipatory bail, being CRM 10761 of 2020 is, thus, disposed of.

[Tirthankar Ghosh, J]

[Soumen Sen, J]

