

28.01.2021
Court No.28
rpan / 10

C.R.M. 10796 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Raiganj P.S. Case No. 11 of 2020 dated 05.01.2020 under Sections 302/120B/109 of the Indian Penal Code and read with Sections 25(i)(a)/27 of the Arms Act.

And

In Re : **Ershad Alam @ Ershad @ Ershad Ali**
-Petitioner

Mr. Sujoy Sarkar
... for the petitioner.

Mr. Ranabir Roychowdhury,
Mr. Rudradipta Nandy
... for the State.

The learned advocate appearing for the petitioner submits that the co-accused persons similarly situated with the petitioner have already been enlarged on bail. Upon completion of investigation, charge sheet has also been filed and as such, further detention of the petitioner, who is in custody for 387 days, is not necessary.

The learned advocate appearing for the State disputes the contention that the petitioner is similarly situated with the co-accused persons, who have already been granted bail. Drawing the attention of this Court to several documents in the case diary, he opposes the petitioner's prayer for bail.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case

diary, *prima facie*, it does not appear that the extent of complicity of the petitioner is similar to that of the co-accused persons, who have been granted bail. Furthermore, considering the gravity of the offence and the nature of allegations, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the application for bail, being CRM No. 10796 of 2020, is rejected.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)