

04.02.2021

Item No.11

Ct.No.28

dc.

Rejected

C.R.M. 10832 of 2020

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Samad Sk.**

... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji,
Ms. Snigdha Saha

... For the Petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick

... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Sessions Case No. 80 of 2020 arising out of Purbasthali P.S. Case No. 82 of 2020 dated 07.04.2020 under Sections 364A/302/201/120B/34 of the Indian Penal Code.

Mr. Chattopadhyay, learned advocate appearing for the petitioner submits that the petitioner is in custody for 259 days and similarly placed accused persons have already been granted bail. The learned advocate further submits that there are discrepancies in the amount of money, so demanded by different witnesses, which touch to the root of

the case and questions the veracity of the prosecution case. Additionally, the learned advocate submits that the petitioner undertakes to abide by any stringent condition imposed by this Court.

Mr. Sur, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court to the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure as well as the statement recorded under Section 164 of the Code of Criminal Procedure. The learned advocate for the State further draws the attention to the fact that although in CRM 10725 of 2020, one of the accused was granted bail, but in CRM 6041 of 2020, one Mohibulla Sk. @ Mou Sk.'s bail was rejected by a co-ordinate Bench of this Court.

We have perused the materials on record which include the statements of the witnesses and assessed the role of the present petitioner in respect of his complicity. On a cumulative assessment of the same, we are of the opinion that the present petitioner is similarly placed with one Mohibulla Sk. @ Mou Sk. Accordingly, we are not inclined to release the petitioner on bail at this stage. As such, petitioner's prayer for bail is **rejected**.

CRM 10832 of 2020 is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)