

18.02.2021
Court No.28
Item no. 30
Krishnendu
Rejected

C.R.M. 10995 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kaliachak Police Station Case No.562 of 2015 dated 13.10.2015 under Sections 302/34 of the Indian Penal Code and under Section 27 of the Arms Act;

And

In Re : **Md. Jiem Ali @ Jiem Sk**

Petitioner

Mr. Sagar Saha

For the petitioner

Mr. Saibal Bapuli
Mrs. Sayanti Santra

For the State.

The learned advocate for the petitioner submits that the petitioner is in custody for 126 days and persons who were similarly placed with the present petitioner, have already been released on bail. The learned advocate further submits that the petitioner did not have any intention to evade the process of law and after his anticipatory bail was rejected, he surrendered before the learned Court below.

Mr. Bapuli, learned advocate appearing for the State draws the attention of this Court to the statements of the witnesses and submits that although supplementary charge sheet was submitted in the year 2018, the petitioner has very recently surrendered before the learned Court below. He further adds that the petitioner is not similarly situated with the accused persons, who have been granted bail.

We have perused the materials on record, more particularly, the statements of the witnesses wherein the petitioner and two others have been assigned a specific role in the commission of the alleged offence. Having regard to the period of detention of the present petitioner and the period during which he was absconding, we are of the opinion that the petitioner is not entitled to be released on bail at this stage. As such, the prayer for bail of the petitioner is rejected.

With the aforesaid observations, the application for bail, being CRM No.10995 of 2020, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)