

17.03.2021
Item No.61
Ct.No.28
Subha
rejected

C.R.M. 11200 of 2020
(Via Video Conference)

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

In the matter of : **Nantu Jash @ Baban Jash** ... Petitioner.

Mr. Sujoy Sarkar

... For the Petitioner.

Mr. S. G. Mukherji, PP
Ms. Sayanti Santra

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bolpur Police Station Case No. 245 of 2016 dated 21-09-2016 under Sections 323/325/419/420 of the Indian Penal Code.

This is a renewal of the prayer for bail at the instance of the petitioner. The instant case has been initiated upon a custodial death and the investigation was entrusted upon the Crime Investigation Department, West Bengal. Initially, the Inspector-in-Charge of the concerned

police Station was exonerated and the petitioner was implicated in the instant case but subsequently upon the investigation having entrusted upon the C.I.D, West Bengal, the I/C was also found to have complicity to the aforesaid offence, so the petitioner.

A plea has been taken by the petitioner that there is no statement which would invite the direct nexus or involvement of the petitioner to the commission of an offence and, therefore, the petitioner is unnecessarily put into the custody.

It is further submitted that the charge-sheet has already been submitted and there is no necessity of keeping the petitioner in custody.

Mr. Mukherji, learned Public Prosecutor appearing for the State opposes the prayer for bail and it is submitted that there is incriminating materials against the petitioner which would be evident from the findings recorded by a co-ordinate Bench of this court while rejecting the bail prayer of the petitioner on an earlier occasion.

It transpires in course of hearing that the first chargesheet was submitted on 8th June, 2020 and the second chargesheet/supplementary chargesheet has also been submitted on 3rd October, 2020. The earlier application for bail being CRM 7927 of 2020 filed by the petitioner was rejected on November 3, 2020 obviously after the submission of the first chargesheet as well as the supplementary

chargesheet. The situation has not changed since the date of rejection of an earlier application for bail. There is a positive finding recorded by the co-ordinate Bench over the complicity of the petitioner to the alleged offence. Therefore, we cannot take a different stand to what had already been taken by a co-ordinate Bench. Since we do not any changed circumstances having shown in the instant bail application, the prayer for bail is hereby rejected.

With the aforesaid observations, the application for bail being CRM 11200 of 2020 is, accordingly, rejected.

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

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)