

28.02.2023
71
Ct. No. 29
CHC
REJECTED

C.R.M.(DB) 773 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No.47 of 2020 dated 30.01.2020 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act, and chargesheet submitted being Chargesheet no.188 of 2020 dated 18.05.2020 under Sections 302/326/307/34 of the Indian Penal Code and Sections 27/35 of the Arms Act.

And

In the matter of: Rinku Sk.

..... petitioner

Mr. Soumik Ganguly,
Mr. Tapodip Gupta

....for the petitioner

Mr. Rudradipta Nandy, Id. A.P.P.
Mrs. Sonali Das

....for the State

Petitioner prays for bail on the ground of being similarly circumstanced that of co-accused who was enlarged on bail on April 4, 2022 passed in CRM 8214 of 2021 and another co-accused was granted bail by the Hon'ble Court.

Learned advocate appearing for the State draws attention of the Court to the materials in the case diary.

He submits that, there are eyewitnesses, who saw the petitioner fire a bullet towards the victim.

Learned advocate appearing for the petitioner submits that there are contradictory statements of so-called eyewitnesses claiming that another person fire the bullet.

There are materials in the case diary which suggests that eyewitnesses saw the petitioner firing a bullet towards the victim. A person was murdered.

Other co-accused who was enlarged on bail by this Hon'ble Court on April 4, 2022 is not standing on the same footing as that of the petitioner.

In such circumstances, we are unable to grant bail to the petitioner.

Learned advocate appearing for the State submits that police case is of 2020 and that the petitioner surrendered after rejection of the prayer for anticipatory bail twice.

CRM (DB) 773 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)