

07.12.2023
Item No.4
Ct. No. 5
CHC
Rejected

C.R.M.(DB) 4270 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kolkata Leather Complex** Police Station Case No.**37/2018** dated **11.03.2018** under Sections **147/148/149/302/120B** of the Indian Penal Code.

And

In the matter of: Sambhu Mondal @ Faring
..... petitioner

Mr. Sabir Ahmed,
Mr. Gouranga Das,
Ms. Suman Biswas,
Mr. Dhiman Banerjee
....for the petitioner

Mr. P. K. Datta, Ld. A.P.P.
Mr. Santanu Deb Roy
....for the State

The application for bail is taken up for consideration subsequent to the order dated November 23, 2023.

By such order, the Court directed the correctional home authorities to ensure that, petitioner is medically examined by the Medical Officer attached to a Government Hospital and submit a report with regard thereto.

Report as called for filed in Court be taken on record.

The report dated December 1, 2023 states that, the petitioner was examined and that on such examination no apparent external or internal morbidity was noticed. Moreover, petitioner did not speak of any previous history of illness. The report notes that, the petitioner was examined and treated for body-ache and muscular spasm.

At the time of hearing today, learned advocate appearing for the petitioner submits that, petitioner suffered a cerebral attack and there was a problem within the vertebra of the petitioner. Such contentions are not borne out from the medical report. The petitioner himself when he was examined by the Doctor did not state such medical history to the Doctor. The Doctor noted that the fact that the petitioner did not speak about any medical history.

Prayer for bail of the petitioner was rejected by an order dated July 18, 2023 where, petitioner claimed parity with other co-accused who was enlarged on bail. While dealing with the prayer for parity, as repeated today, the coordinate Bench observed that, the petitioner was absconding for more than five years. It is also observed that, the other co-accused in respect of whom parity was claimed, who was granted bail suffered detention for much longer period of time.

In such circumstances as the medical examination report does not sustain the claim of the petitioner of such grievous medical conditions so as to enlarge the petitioner on bail, and as claim for parity was rejected on July 18, 2023 as nothing else occurred subsequent thereto to bring the petitioner within the claim for parity prayer for bail is therefore, rejected.

C.R.M.(DB) 4270 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

