

14. 23.09.2021
Ct.32
Tanmoy
Rejected

C.R.M. 4281 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **23/06/2021** in connection with **Criminal Misc. Case No.285 of 2021** arising out of **Dhubulia Police Station Case No. 270 of 2020** dated **23/10/2020** under Sections **302/34** of the Indian Penal Code read with Sections **25/27** of the Arms Act.

And

In the matter of: - **Giyas Sk**

...petitioner.

Mr. Atis Kumar Biswas

...for the petitioner.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dipankar Paramanick

...for the State.

The petitioner is one of several accused persons. Four persons have been arrested including the petitioner. Three persons are absconding.

The petitioner says that he is not the main assailant. He did not fire the gunshot. He stands on the same footing as a co-accused person who has been granted bail by this Court.

Learned Advocate for the State opposes the prayer for bail and points out that two co-accused persons have been denied bail by this Court. They are Sentu Shah and Hasen Mondal. The petitioner stands on the same footing as those two persons.

The seizure list shows that the offending firearm was recovered from the pump house of the present petitioner. We have also seen the statements of eyewitnesses recorded under Sections 161/164 of the Code of Criminal Procedure. They all named the petitioner as being one of the offenders.

In view of the nature and gravity of the charge and the incriminating material on record, although the petitioner has been in custody for about 313 days and charge-sheet has been submitted, we are not inclined to allow the petitioner's prayer for bail at this stage.

Accordingly, the application for bail being C.R.M. 4281 of 2021 is **dismissed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)