

03.11.2021
Serial no. 44
Dd/srimanta

(Through Video Conference)

CRM 7028 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Raina** Police Station Case No. **58** of **2021** dated **09.03.2021** under **Sections 302/34** of the Indian Penal Code, 1980 and addition Section 394 of the Indian Penal Code, 1860 and Sections **25(1B)/27/35** of Arms Act and charge sheet **No. 92 of 2021** dated **12.06.2021** under sections **302/394/34** of the Indian Penal Code, 1980 and read with sections **27/35** of Arms Act .

-And-

In the matter of : Sirajul Haque Mondal @ Tagar Sk @ Siraj
... ..Petitioner

Ms. Jeenia Rudra,
Ms. Sahili Dey, Advocates
... .. For the Petitioner
Mr. Madhusudan Sur,
Mr. Dipankar Pramanick, Advocates
... ..For the State

Application for bail is canvassed on the ground that the petitioner is in custody for more than 212 days. The petitioner was not named in the original FIR. It is also submitted that charge sheet has been filed and there is no likelihood of tampering with the evidence.

Counsel for the State opposes vehemently. It is submitted that the ballistic Report of the bullet recovered from the body of the deceased, has been identified and correlated with the weapon recovered from the custody of the petitioner. It is also submitted that the petitioner was identified in the T.I Parade. It is also argued that it is unlikely that the petitioner will be acquitted and the custodial trial is necessary given the gravity of the offence.

It is true that there is no history of any prior involvement in any crime. This Court is of the view that the petitioner's custody even in course of trial may be desirable.

Hence, the prayer for bail stands rejected at this stage.

CRM 7028 of 2021 is **dismissed**.

(Rajasekhar Mantha, J.)

(Kesang Doma Bhutia, J.)