

14.03.2022
Court No.32
Item No.27
Avijit Mitra

C.R.M. (DB) No.330 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Nakashipara Police Station case no.257 of 2021 dated 06.06.2021 under Sections 302/120(B) & 34 of the Indian Penal Code and Sections 25 and 27 of the Arms Act;

And

In Re : Aksar Sk @ Akchar Sk

.... petitioner

Mr. Satarup Purakayastha,
Mr. Sumanta Das

...for the petitioner

Ms. Zareen N. Khan,
Mr. Ashok Das

....for the State

Mr. Purakayastha, learned lawyer appearing for the petitioner submitted that his earlier application in respect of the present petitioner was 'not pressed' on 27.01.2022. This is the first application praying for bail. The present petitioner is in custody for about 270 days. Chargesheet has been filed. Further detention of the petitioner is not necessary. Accordingly, he prays for bail.

Per contra, Ms. Khan, learned lawyer appearing for the State opposes the bail on the ground that there are strong incriminating elements against the present petitioner as appears from the statement of the witnesses recorded under Sections 161 and 164 of the Code of Criminal Procedure and recovery of offensive weapon and others. She further stated that it is a case of murder in which the present petitioner took active part. Accordingly, she strongly opposes the bail application.

We have heard the rival submissions and perused the case diary. The statement of the witnesses as recorded under sections 161 and 164 of the Code of Criminal Procedure and strong incriminating elements implicating the present petitioner in the alleged offence. The offensive weapon was recovered at the instance of the present petitioner. Considering the seriousness of the offence where two persons were murdered, its gravity, the extent of incriminating materials and the complicity of the present petitioner, we are not inclined to allow the instant application for bail at this stage.

Accordingly, the application for bail, being CRM (DB) No.330 of 2022, is dismissed.

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

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)