

**C.R.M. (DB) 850 of 2022**

**30.03.2022**  
Sl. 65  
Court No.29  
sourav  
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Ausgram** Police Station Case No. **283** of **2021** dated **08.09.2021** under Sections **302/307/120(b)** of the Indian Penal Code and Sections **25/27** of the Arms Act.

And

In the matter of: **Asanul Mondal @ Ashanul Mondal**

....petitioner.

Mr. Kunal Ganguly,

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP,

Mr. Dipankar Paramanick,

...for the State.

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 202 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required. He submits that Ayub Khan one of the co-accused who used the firearm was granted bail by the co-ordinate bench. The petitioner, therefore, stands at a better footing if not on the same footing as that of Ayub Khan. He submits that another co-accused was granted bail by this Hon'ble Court. The motorcycle was recovered from such accused.

Learned advocate appearing for the State draws the attention of the Court to the order dated December 20, 2021 passed in CRM 8444 of 2021 by which, the co-ordinate bench granted bail to Ayub Khan.

It appears from the order dated December 20, 2021 that Ayub Khan was not the principal accused. The other two co-accused were granted bail by this Hon'ble Court were also not the principal accused. The petitioner herein is the principal accused from whom the firearm was seized.

Learned advocate appearing for the State submits that the ballistic report states that the firearm seized and the bullet empty cartridge recovered matched with the firearm seized from the petitioner.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary, we are unable to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

**C.R.M. (DB) 850 of 2022** is dismissed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**

