

09.06.2022.
52.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1488 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ausgram P.S. 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.

In the matter of : Sk. Sher Ali.

... Petitioner.

Md. Sabir Ahmed,
Mr. Apan Saha.

...for the Petitioner.

Mr. Nguive Ahmed, Id. A.P.P.,
Ms. Trina Mitra.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about nine months. He has been falsely implicated in the instant case. It is contended co-accused viz., Ayub Khan @ Bumba has been released on bail.

Learned Advocate for the State opposes the prayer for bail and submits that the father of the deceased heard the surname of the petitioner in the course of conversation between the miscreants. On his leading statement weapon of offence i.e. gun was recovered.

We have considered the materials on record. Presence of the petitioner at the place of occurrence is probalised by the utterance of his surname in the course of conversation between the accuseds. On his leading statement weapon of offence i.e. gun was recovered and the ballistic report matches the weapon with the ammunitions recovered from the place of occurrence.

In view of the aforesaid incriminating materials, we are of the opinion petitioner does not stand on the same footing with co-accused Ayub Khan who has been enlarged on bail and keeping in mind the gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)