

21.06.2022
tkm/ct 28
sl no. 47

C.R.M. (DB) 1929 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Titagarh PS case no. 548/2020 dated 5.10.2020 under sections 302/120B/34/212/201 IPC read with sections 25/27 of the Arms Act

And

In Re : Raja Ray

..... petitioner

Mr. Rana Mukherjee

Ms. D Mitra

Ms. S Roy

..... for the petitioner

Mr. S G Mukherjee, Id PP

Mr. R D Nandi

Ms. Sonali Das

..... for the State

Petitioner is in custody for 584 days. It is contended co-accuseds Irsad Ali, Khurram Khan, Pawan Kr. Roy and Nasir Ali have been enlarged on bail. Accordingly, he prays for bail.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner was present at the place of occurrence and indicated the victim to the sharp shooters.

We have considered materials on record. Petitioner was identified by witnesses in the course of TI parade as one of the persons who were present at the place of occurrence. Co-accused Pawan Kr. Roy does not stand on the same footing with petitioner as arms allegedly supplied by him were not used for the purpose committing murder. Complicity of other accuseds viz. Irsad Ali, Khurram Khan and Nasir Ali were based on telephonic conversations *inter se* and none of them were present at the place of occurrence.

In view of the aforesaid facts, we are of the opinion petitioner does not stand on the same footing with co-accuseds who have

been enlarged on bail and in view of the prima facie involvement of the petitioner in the alleged crime, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail is rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)