

27.06.2022

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rejected

C.R.M. (DB) 1995 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nimta Police Station Case No. 598 of 2021 dated 01.08.2021 under Sections 302/201/120B/34 of the Indian Penal Code and Sections 25/27/35 of the Arms Act.

And

In Re : Sk. Akbar @ Chotu @ Choti petitioner

Mr. Niladri Sekhar Ghosh

Ms. Srimoyee Mukherjee

Mr. Sourav Mondal

Mr. Sakhawat Khandakar

Md. Saddam Sha

... for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Manoranjan Mahata

... for the State

Petitioner renews his prayer for bail.

Learned Counsel appearing for the petitioner submits that statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure are at variance to their earlier statements recorded under Section 161 of the Code of Criminal Procedure. Co-accuseds are on bail/anticipatory bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure show that the petitioner is the principal accused who shot at the victim resulting in his death. Bullet

recovered from the body of the deceased matches with the fire arm recovered from the petitioner as per ballistic report.

In view of incriminating materials on record we are of the opinion that the petitioner does not stand on the same footing with the co-accuseds who have been enlarged on bail/anticipatory bail and in view of gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)