

06.07.2022

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rejected

C.R.M.(DB) No. 2129 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra Police Station Case No. 243 of 2021 dated 16.06.2021 under Sections 341/325/326/307/302/34 of the Indian Penal Code.

And

In Re : Ekramul Hossain Sk. petitioner

Mr. Robiul Islam
Mr. Raju Mondal

... for the petitioner

Mr. Neguive Ahmed, learned APP
Mr. Iqbal Kabir
Ms. Trina Mitra

... for the State

Petitioner renews his prayer for bail.

Learned Counsel appearing for the petitioner submits that there was a free fight between the parties and co-accuseds including one Hidat Ali Sk. have been enlarged on bail.

Learned Counsel appearing for the State opposes the prayer for bail. He submits that petitioner assaulted the deceased and does not stand on the same footing with co-accuseds who are on bail.

We have considered the materials on record. Petitioner along with some co-accuseds assaulted the deceased. Others participated in the free fight. Co-accused, Ashnirhar Bibi @ Ashnirhar Sk., being a lady was enlarged on bail. Hidat Ali Sk. was enlarged on bail as he did not participate in the assault of the deceased.

On the other hand, petitioner appears to have assaulted the deceased resulting in her death.

In view of the aforesaid 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 enlarged on bail and accordingly we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)