

26.07.2022.
16.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2391 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar P.S. Case No.374 of 2021 dated 16.08.2021 under Sections 341/325/326/307/302/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act and Sections 3 / 4 of the Explosive Substances Act and charge sheet submitted under Sections 341/325/326/307/302/286/120B/34 of the Indian Penal Code and Section 9B of the Explosive Act. and Section 27 of the Arms Act.

In the matter of : Ajijul Mondal @ Ajijul Mandal
@ Ajijul Sk.

... Petitioner.

Mr. Niladri Sekhar Ghosh,
Mr. Tapodip Gupta,
Ms. Rimoyee Mukherjee,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for about 336 days. It is submitted he has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner is named in the first information report. Statements of eye witnesses recorded under Section 164 of the Code of Criminal Procedure implicates the petitioner. Fire arm was recovered from his possession. Petitioner has criminal antecedents.

In reply, it is contended only one of the eye witnesses has implicated the petitioner. He was not named in the oral dying declaration of the victim.

We have considered the materials on record. Petitioner is named in the first information report. His name transpires from the statement of one of the eye witnesses recorded under Section 164 of the Code of Criminal Procedure. Quality and not quantity of evidence is relevant to determine complicity of an accused. Incriminating article was also recovered from the possession of the petitioner and he has also criminal antecedents.

In view of the aforesaid facts and gravity of offence, we are not inclined to grant bail to the petitioner.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)