

22.07.2022

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rejected

C.R.M.(DB) No. 2418 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Salar Police Station Case No. 216 of 2021 dated 31.10.2021 under Sections 302/34 of the Indian Penal Code.

In Re : Basir Sk. petitioner

Mr. Shataroop Purokayastha
Ms. Jagriti Bhattacharya
... for the petitioner

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta
... for the State

Mr. Manas Kumar Das
.... for defacto complainant

Learned Counsel appearing for the petitioner submits that he is in custody for 247 days. He prays for bail. It is also submitted that co-accused, Jaynal Sk. alias Sekh Jaylal alias Joylal Sk. has been enlarged on bail.

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

Learned Counsel appearing for the defacto complainant also opposes prayer for bail.

We have considered the materials on record. Petitioner was driving a motor-cycle and pushed the victim down on the ground. Thereafter co-accuseds stabbed him. Petitioner does not stand on the same footing with Jaynal Sk. alias Sekh Jaylal alias Joylal Sk. against whom no specific overt act has been attributed and hence has been enlarged on bail.

Keeping in mind gravity of the offence and prima facie evidence collected against the petitioner, 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.)