

26.07.2022.
31.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2455 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with CBI/SCB/Kolkata RC No.0562021/S0005 dated 25.08.2021 under Sections 341/326/325/307/34 of the Indian Penal Code and added Sections 302/354B of the Indian Penal Code.

In the matter of : Kalu Sk. @ Sekh & Ors.

... Petitioners.

Mr. Arnab Chatterjee,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Ms. Dhanasree Biswas.

...for the Petitioners.

Mr. Sunil Gupta.

...for the CBI.

Heard the learned Advocates appearing for the parties.

It is contended the petitioners are in custody for about 330 days. It is contended co-accuseds have been granted pre-arrest bail in CRM 5928 of 2021. Hence, they pray for bail.

Learned Advocate for the CBI opposes the prayer for bail and submits statements of witnesses show petitioners were members of an unlawful assembly whose common object was to murder the victim. Order of anticipatory bail passed by this Court in CRM 5928 of 2021 has been assailed before the Hon'ble Apex Court in special leave petition being Slp (Crl.) No.005992 of 2022.

We have considered the materials on record. Statements of witnesses prima facie show that they were members of the unlawful assembly who had attacked the victim resulting in his death. When there are materials to show petitioners are

members of an unlawful assembly whose common object was to murder the victim, it may not be necessary to spell out specific overt act qua each of the accuseds.

Keeping in mind the aforesaid incriminating materials on record and as pre-arrest order passed by a Co-ordinate Bench of this court has been challenged before the Apex Court, we are not inclined to grant bail to the petitioners at present.

Accordingly, the prayer for bail of the petitioners is rejected at this stage.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)