

08.08.2022

cm/ct 28

sl. no. 43

Rejected

C.R.M. (DB) No. 2671 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nanoor P.S. **Case No. 43 of 2021** dated **29.03.2021** under Section **448/324/326/307/435/34** and added Section 302 of the Indian Penal Code.

And

In Re : Atish Biswas & Anr.

..... petitioners

Mr. Robiul Islam
Mr. K.M. Hossain
Mr. Raju Mondal
Ms. Keya Sutradhar

.... for the petitioners.

Mr. Neguive Ahmed, Ld. A.P.P.
Ms. Trina Mitra

..... for the State

Petitioners renew their prayer for bail. He submits they are not the principal assailant.

Learned Additional Public Prosecutor for the State opposes the prayer for bail.

We have considered the materials on record including statements of eye witnesses recorded under 164 Cr.P.C. Their statements show petitioners had also participated in the crime by holding down the victim when he was assaulted by the principal accused.

In view of the aforesaid incriminating materials and gravity of the offence, we are not inclined to grant bail to the petitioners.

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

Court below is directed to commit the case to the court of sessions at the earliest without granting unnecessary adjournment either of the parties.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)