

10.08.2022
tkm/ct 28
sl no. 54

C.R.M. (DB) 2710 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chapra PS case no. 37/2018 dated 20.2.2018 under sections 341/326/307/302/34 IPC and Sections 25/27 of the Arms Act and 3/4 of the ES Act.

And

In Re : Manik Sk @ Manick Sk @ Paka @ Sahajahan @ Sahajan
..... petitioner

Mr. Sekhar Kr. Basu, Sr. Adv.

Mr. Amanul Islam

Mr Kushal Mukherjee

Mr. Sourav Mukherjee

..... for the petitioner

Mr. M Sur

Mr. D Paramanick

..... for the State

Petitioner renews his prayer for bail and submits he is not known as Hamid Paka as reflected in the statement of the injured eye-witness Sk. Jiad Ali. Accordingly he prays for bail.

Learned lawyer for the State opposes the prayer for bail and submits aforesaid injured witness had erroneously referred the petitioner as Hamid Paka which was subsequently clarified in the course of investigation.

We have considered the materials on record. Statement of the injured witness refers to a number of accused persons including one Hamid who was resident of Howrah and one Hamid Paka. This was subsequently clarified that the witness had referred to the petitioner which is also known as Paka in her statement.

In the light of the aforesaid facts, we are of the opinion that the witness had referred to the petitioner as one of the assailants in the murder.

Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail is rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)