

31.08.2022.
36.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2944 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara P.S. Case No.191 of 2021 dated 17.05.2021 under Sections 302/34 of the Indian Penal Code.

In the matter of : Musaraf @ Masaraf @ Mosaraf @
Mosaraof Shah @ Sha.
....Petitioner.

Mr. Kallol Mondal,
Mr. Shibaji Kumar Das,
Ms. Rupsa Sreemani.
...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta.
...for the State.

Petitioner is in custody for 471 days. It is contended he has been falsely implicated in the instant case. Co-accuseds are on bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statement of one Hasibul Saha recorded under Section 161 of the Code of Criminal Procedure show petitioner had assaulted the deceased with a cycle chain.

In view of the aforesaid involvement of the petitioner in the crime, we are of the opinion he does not stand on the same footing with co-accuseds who are on bail and this is not a fit case to grant bail to the petitioner at this stage.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)