

28.09.2022

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rejected

C.R.M.(DB) No. 3178 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Canning Police Station Case No. 494 of 2021 dated 21.11.2021 under Sections 302/379/34 of the Indian Penal Code and Sections 25/27/35 of Arms Act.

And

In Re : Hafijul Rahaman Mondal @ Hajijul petitioner

Mr. Subhabrata Chowdhury
Ms. Tripti Pandey
Mr. Biswajit Goswami
....for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Manoranjan Mahata
..... for the State

Mr. Sabir Ahamed
Mr. Angshuman Chakraborty
Mr. S. S. Saha
..... for de facto complainant

Learned Counsel appearing for the petitioner submits he is in custody for about 265 days. It is also submitted that co-accused viz. Abu Zafar Gayen is on bail.

Learned Counsel appearing for the State opposes prayer for bail.

Learned Counsel for de facto complainant also opposes prayer for bail.

We have considered materials on record. Statements of witnesses show petitioner was present at the place of occurrence. Co-accused Abu Zafar Gayen has not been named

as one of the persons who was present at the place of occurrence. Under such circumstances, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

Presence of the Investigating Officer is noted and dispensed with.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)