

12.12.2022
tkm/ct 28
sl. 60-61

C.R.R 3946 of 2022
in
CRM (DB) 3208 of 2022
with
CRM (DB) 4347 of 2022

In Re : the Court in its own motion petitioner

Mr. Sekhar Basu, Sr. Adv.
Mr. S Talukdar

..... for the petitioner

Ms. Z N Khan
Mr. Arup Sarkar

..... for the State in CRR 3946/22

Mr. M Sur
Mr. D Paramanick

..... for the State in CRM(DB) 4347/22

Mr. Sandipan Ganguly, Sr. Adv
Mr. Arkadeb Bhattacharya

..... for the accused Intekhab Alam @ Raju

While hearing the earlier bail application of Md. Hasrat Hossain, this court was inclined to issue a Suo Motu rule calling upon Intekhab Alam @ Raju to show cause why bail granted to him vide order dated 29.8.2022 be not cancelled.

Mr. Ganguly, learned senior advocate appearing for Intekhab Alam submits his client had no role in the murder. Even if statements of witnesses claiming that he accompanied the deceased to the place of occurrence are believed, it is not the prosecution case he was present when the victim was done to death. Hence, order granted bail to him may not be cancelled.

Ms. Khan appearing for the State submits Intekhab Alam is a co-conspirator. He had brought the victim to the spot. Thereafter, co-accused murdered him. Subsequently, he had telephonic conversations with co-accuseds.

Bail was granted to Intekhab Alam by the court below inter alia holding that he stood on the same footing with Md. Saddam Hossain who was enlarged on bail by this court.

Apart from post occurrence interaction with co-accuseds, there is no material against Md. Saddam Hossain. On the other

hand, statements of witnesses show Intekhab Alam had brought the victim to the place of occurrence. Hence, it cannot be said two accuseds stood on the same footing and Intekhab Alam was entitled to bail on parity.

Though reason given by the court below while granting bail to Intekhab Alam appears to be faulty, we have independently examined the materials on record so far as he is concerned. We note Intekhab was not present when the victim was murdered. Whether he shared common intention with co-accuseds to commit the murder by bringing the victim to the place of occurrence requires to be assessed during trial. He has not misused his liberty.

Hence we are not inclined to cancel the bail granted to Intekhab Alam.

Rule is discharged.

Petitioner Md. Hasrat Hossain does not stand on the same footing with Intekhab Alam and Md. Saddam Hossain. He was present at the place of occurrence when the victim was murdered. His bail was turned down earlier on merits.

Accordingly, we are not inclined to grant bail to him at this stage.

Prayer for bail is rejected.

Trial court is directed to expedite the trial court and conclude the same at an early date.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)