

03.11.2022
tkm/ct 28
sl no.58

C.R.M. (DB) 3608 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 414/2021 dated 15.7.2021 under Sections 302/34 of the Indian Penal Code and added sections 25/27 of the Arms Act.

And

In Re : Piyaarul Mondal @ Pairul Mondal petitioner

Mr. S Das Mahapatra
Mr. Amanul Islam
Mr. S Mukherjee

..... for the petitioner

Mr. R D Nandy
Ms. Manisha Sharma

..... for the State

Mr. Robiul Islam

..... for the de facto complainant

Petitioner is in custody for 161 days. He submits co-accuseds are on anticipatory bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses recorded under section 164 Cr.P.C show petitioner and one Sarwar Mondal had shot at the victim resulting in his death. They do not stand on the same footing with the co-accuseds who have been granted pre-arrest bail.

In view of the prima facie involvement of the petitioner in the murder, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)