

21.10.2022

Sl. 66
Court No.29
Sourav/
c.m
(Rejected)

C.R.M. (DB) 3629 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Titagarh** P.S. Case No. **548 of 2020** dated **05.10.2020** under Sections **302/ 120B/ 34/ 212/ 201** of the Indian Penal Code and under Sections **25/27** of the Arms Act.

And

In the matter of: **Subodh Ray**

....petitioner.

Mr. Ritzu Ghosal
Mr. Swagata Datta

...for the petitioner.

Mr. Rudradipta Nandy
Mrs. Sonali Das

...for the State.

It is submitted by the learned advocate for the petitioner referring to an order dated June 6, 2022 passed in CRM (DB) 1314 of 2022 that the Investigating Officer has failed to relate the firearm which was seized on the basis of leading statement made by the petitioner with the fatal injury which was received by the deceased to prove that the seized firearm was used in committing the murder of deceased Manish Shukla. Thus, it is submitted by the learned advocate for the petitioner that where the firearm could not be related with the offence, involvement of the accused is under reasonable suspicion and he should be released on bail.

Learned Public Prosecutor-in-Charge, on the other hand, has produced the Ballistic Examination Report from the case diary wherefrom it is ascertained that the firearm, which was seized as per the identification of the petitioner, was actually used in the commission of offence.

In view of such circumstances, involvement of the petitioner is direct and apparent on the face of the record.

Accordingly, we are of the view that he is not entitled to be released on bail.

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

C.R.M. (DB) 3629 of 2022 is dismissed.

(Bibek Chaudhuri, J.)

(Prasenjit Biswas, J.)

