

09.11.2022

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rejected

C.R.M.(DB) No. 3890 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 the Arms Act.

And

In Re : Hafijul Rahaman Mondal alias Hajijul petitioner

Mr. Avik Ghatak
Mr. Abdul Aziz Mondal
Mr. A. Rakshit

... for the petitioner

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

Learned Counsel appearing for the petitioner submits he is in custody for 229 days. It is also submitted that co-accuseds have been enlarged on bail. He renews his prayer for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered materials on record. Bail prayer of the petitioner was rejected earlier on merits. Statements of the witnesses show that the petitioner was present at the place of occurrence where the victim was murdered. Trial of the case has commenced and release of the petitioner on bail is likely to have an adverse impact on the examination of prosecution witnesses.

Rejection of bail prayer of the petitioner was not considered by the co-ordinate Bench when co-accused was released on bail. Hence, we are not inclined to release petitioner on bail on this score.

In view of the aforesaid circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)