

06.01.2023
Sl. No.10
akd
[Rejected]

C. R. M. (DB) 19 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.01.2023 in connection with Diamond Harbour Police Station Case No.93 of 2022 dated 17.02.2022 under Sections 302/120B/34 of the Indian Penal Code.

And

In Re: ***Nurul Hasan Mollick @ Nurul Hassan Mollick @ Babu Sona & Anr.***

... .. Petitioners

Mr. Sabir Ahmed
Mr. Gouranga Kumar Das
Ms. Swati Mandal

... .. for the petitioners

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das
Mr. Subrato Roy

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for over 300 days. It is further submitted petitioners have been falsely implicated in the instant case. Co-accused viz. Sofiulla Mollick has been enlarged on bail. Accordingly, they pray for bail on parity.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioners have been named by eyewitnesses.

We have considered the materials on record. Petitioners have been named by eyewitnesses. Complicity of the petitioners in the crime stands on a higher footing than co-accused viz. Sofiulla Mollick, who has been enlarged on bail. Bail prayer of co-accused viz. Nuruddin Beig @ Noor Uddin Beig similarly circumstanced with the petitioners was turned down by this court. In view of the aforesaid facts and gravity of the offence, we are not inclined to grant bail to the petitioners at this stage.

The application for bail is thus **rejected**.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

