

06.01.2023.
22.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 33 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Itahar P.S. Case No.650 of 2021 dated 18.10.2021 under Sections 302/34 of the Indian Penal Code and read with Sections 25(i)(A)/27/35 of the Arms Act.

In the matter of : Santosh Mahanta @ Mukhiya @
Madhusudhan.

... Petitioner.

Mr. Asis Bhattacharyya.

...for the Petitioner.

Mr. Noguive Ahmed, Id. A.P.P.,
Ms. Ayantika Roy.

...for the State.

Petitioner is in custody for 27 months. He submits he is not the principal accused. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner was driving the motor cycle and the pillion rider i.e. Sukumar fired at the victim. Trial is in progress.

We have considered the materials on record. Petitioner was driving the motor cycle. His associate fired at the victim. The aforesaid materials *prima facie* give rise to an impression petitioner shared common intention to murder the victim. Charge has been framed and date has been fixed for examination of prosecution witnesses.

Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

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

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)