

13.03.2023
Sl. No.138
akd
[Rejected]

C. R. M. (DB) 870 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.02.2023 in connection with Santipur Police Station Case No.386 of 2020 dated 01.09.2020 under Sections 341/307/326/34/302 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re: **Ashok Roy**

... .. Petitioner

Mr. Tapash Kumar Mondal

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor

Ms. Trina Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than a year. Co-accused has been enlarged on bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner is the principal accused. Co-accused is absconding.

We have considered the materials on record. Dying declaration of the victim shows petitioner had fired at him resulting in his death. He does not stand on the same footing with co-accused who has been enlarged on bail. That apart, said co-accused after being released on bail had absconded. Under such 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.)

