

16.03.2023.
24.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 961 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pursurah P. S. Case No.80 of 2021 dated 13.06.2021 under Sections 325/326/307/302/506/34 of the Indian Penal Code.

In the matter of : Sk. Kutubuddin @ Sk. Hira & Ors.
... Petitioners.

Mr. Tapas Kr. Ghosh,
Mr. Tanmay Chowdhury.
...for the Petitioners.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Arabinda Manna.
...for the State.

Mr. A. Ghatak,
Mr. Saibal Dasgupta.
...for the de-facto complainant.

Petitioners are in custody for over 600 days. He contends Sk. Khokan @ Israfil has been enlarged on bail. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statements of injured and other witnesses recorded under Section 164 of the Code of Criminal Procedure implicate the petitioner in the murder. Sk. Khokan @ Israfil was not named by the said witnesses. Accordingly, the petitioner does not stand on the same footing with Sk. Khokan @ Israfil.

Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)