

21.03.2023

55
sdas
rejected

C.R.M. (DB) No. 1016 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajarhat Police Station Case No. 296 of 2022 dated 21.09.2022 under Sections 302/120B of the Indian Penal Code.

And

In Re : Suman Mondal petitioner

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Arkadeb Bhattacharya
... for the petitioner

Mr. Rudradipta Nandy, learned APP
Mr. Subrata Roy
Ms. Sreeparna Das
... for the State

Learned Counsel for the petitioner submits he is in custody for 175 days. It is also submitted he was not present at the place of occurrence. He has been falsely implicated. Co-accused Mizanoor Rahaman and Samser Ali Molla are on bail.

Learned Counsel for the State opposes the prayer for bail and submits that petitioner had been seen by the witnesses on a motor bike parked near the Ola vehicle which was occupied by one Sk. Rajesh and Md. Sarif @ Akash. This vehicle was used to run over the victim. CDRs of the accuseds show frequent conversations between the petitioner and the co-accuseds before, during and after the incident.

We have considered the materials on record. Statements of the witnesses show petitioner was on a motor bike which was parked near the Ola vehicle which was occupied by co-accuseds,

Sk. Rajesh and Md. Sarif @ Akash. The said vehicle was used to run over the victim. CDRs also show conversations between the petitioner and the said accused persons.

In view of the aforesaid incriminating materials we are of the opinion involvement of the petitioner stands on a different footing from that of the co-accuseds who have been enlarged on bail. 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.)