

23.03.2023

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rejected

C.R.M. (DB) No. 1054 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat Police Station Case No. 137 of 2016 dated 24.03.2016 under Sections 324/326/307/302/120B of the Indian Penal Code and under Sections 25/27 of the Arms Act and under Section 9(b) of the Indian Explosive Act.

And

In Re : Sajahan Kha @ Khan petitioner

Mr. Gouranga Kumar Das

Ms. Swati Mandal

... for the petitioner

Ms. Zareen N. Khan

Mr. Ashok Das

... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Petitioner had absconded for more than five years. Statements of witnesses recorded under Section 164 of the Code of Criminal Procedure show he was present at the place of occurrence and participated in the assault. He does not stand on the same footing with co-accused who is alleged to be a conspirator. Other co-accuseds had been released on bail after suffering incarceration for more than two years. In view of the aforesaid facts and the conduct of the petitioner we are not inclined to grant bail to him at this stage.

Prayer for bail of the petitioner is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

