

29.03.2023
Sl. No.38
akd
[Rejected]

C. R. M. (DB) 1197 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.03.2023 in connection with Raina Police Station Case No.292 of 2021 dated 23.10.2021 under Sections 302/120B of the Indian Penal Code read with Sections 25/27/35 of the Arms Act.

And

In Re: ***Md. Janishar Alam @ Ricky***

... .. Petitioner

Mr. Ayan Basu
Mr. Amit Roy
Mr. Sumit Routh

... .. for the petitioner

Mr. Kallol Mondal
Mr. Krishan Ray

... .. for the de-facto complainant

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Paramanick

... .. for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. Co-accused viz. Md. Sohrab Ali and Md. Saddam @ Saddam Hossain have been enlarged on bail.

Learned Additional Public Prosecutor opposes the prayer for bail.

Learned Advocate for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Eyewitnesses in their statements recorded under Section 164 of the Code of Criminal Procedure stated about the presence of the petitioner at the place of occurrence. Firearm recovered from the petitioner matches with the bullet recovered from the body of the deceased. His blood stains were also traced out at the place of occurrence. These incriminating circumstances establish that the petitioner does not stand on the same

footing with the co-accused who have been enlarged on bail. In view of the aforesaid incriminating materials on record and gravity of the offence, 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.)