

04.04.2023
Sl. No.30
akd
[Rejected]

C. R. M. (DB) 1339 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.03.2023 in connection with Entally Police Station Case No.314 of 2022 dated 12.10.2022 under Sections 307/34 of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act. (G.R. Case No.2548 of 2022)

And

In Re: ***Sujoy Patra @ Sujay Patra***

... .. Petitioner

Mr. Sabyasachi Banerjee
Mr. Abhimanyu Banerjee
Mr. Arnab Saha

... .. 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 about 175 days. It is further submitted victim has not identified the petitioner. Identification was done by one Md. Nasim, who is a stock witness.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner was identified by Md. Abid and Md. Nasim. Victim is a deaf and dumb person and hence had not attended Test Identification parade. Petitioner has criminal antecedents.

We have considered the materials on record. There was firing by a group of persons in the locality. A deaf and dumb person suffered gunshot injuries and was admitted in hospital. Injuries are life-threatening. Petitioner has been identified by Md. Abid and Md. Nasim. Credibility of their identification and presence at the place of occurrence may be assessed during trial. Bail prayer of co-accused has been rejected earlier. Petitioner has criminal antecedents and there is

possibility of abscondence and re-offending. Hence, 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.)