

11.04.2023
tkm/ct 28
sl no.61

C.R.M. (DB) 1434 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kulpi PS case no. 202 of 2021 dated 6.7.2021 under sections 302/201/120B/34 IPC

And

In Re : Rakib Hossain Sardar @ Rakib Sardar petitioner

Mr. S Mukherjee

Mr. S Islam

Mr. M Khanna

Mr. M Nandy

..... for the petitioner

Mr. M Sur

..... for the State

Mr. Satadru Lahiri

Mr. S W Faruque

..... for the de facto complainant

Petitioner is in custody for 710 days. It is submitted there is no eye-witness to the incident. No forensic report with regard to seized weapon is placed on record. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

Learned lawyer for the de facto complainant also opposes the bail prayer.

We have considered the materials on record. Petitioner had motive to commit the crime. He was seen running away from the place of occurrence. On his leading statement offending weapon has also been recovered. He does not stand on the same footing with his parents i.e. co-accused who are on bail.

Keeping in mind the incriminating materials on record particularly the motive to commit the crime against the petitioner and the gravity of offence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)