

24.04.2023

39
sdas
rejected

C.R.M. (DB) No. 1589 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Beldanga Police Station Case No. 509 of 2022 dated 26.08.2022 under Sections 302/34 of the Indian Penal Code.

And

In Re : Mustafijur Rahaman petitioner

Mr. Ayan Bhattacharjee

Ms. Ayesha Sultana

... for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... for the State

Ms. Minoti Gomes

.... for de facto complainant

Learned Counsel for the petitioner submits co-accused Muktar is on bail. He further submits he has been falsely implicated. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits co-accused Muktar was released on bail due to poor health. Petitioner and co-accused assaulted the victim who succumbed to his injuries.

We have considered the materials on record. Statements of the witnesses show petitioner and co-accused assaulted the victim resulting in his death. Co-accused Muktar has been released on bail on health ground. On the other hand, bail prayer of another co-accused Mustafa Sk. who stands on the same footing with the petitioner was turned down in January,

2023. 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.)