

01.05.2023

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rejected

C.R.M. (DB) No. 1744 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nowda Police Station Case No. 330 of 2022 dated 24.11.2022 under Sections 302/34 120B/of the Indian Penal Code and Sections 25/27/35 of the Arms Act and Sections 3/4 of the Explosive Substances Act.

And

In Re : Rajkumar Kabiraj @ Khalekul Kabiraj @ Khaleque Kabiraj & Anr. petitioners

Mr. Soubhik Mitter

Mr. Amanul Islam

Mr. Sourav Mukherjee

... for the petitioners

Mr. Madhusudan Sur, learned APP

Mr. Manoranjan Mahata

... for the State

Learned Counsels for the petitioners submit they are in custody for 134 days. It is also submitted that there is no direct evidence connecting them with the murder. Investigation is complete. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioners had motive to commit the murder. Incriminating articles of the deceased were recovered from their possession. Soon after the incident they absconded and had been arrested from a different place.

We have considered the materials on record. Petitioners had motive to commit the murder. After the incident they were not available at the place of occurrence and were arrested after one month from Dumdum. Incriminating articles have been recovered. In view of the aforesaid circumstances and as co-

accused are absconding, we are not inclined to grant bail to him at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)