

17.05.2023

53
sdas
rejected

C.R.M. (DB) No. 1982 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajarhat Police Station Case No. 296 of 2022 dated 21.09.2022 under Sections 302/120B of the Indian Penal Code and Section 35 of the Arms Act.

And

In Re : Md. Sarif @ Akash @ Bhupo petitioner

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Arkadeb Bhattacharya
.... for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Dipankar Paramanick
.... for the State

Learned senior Counsel for the petitioner submits he is not the driver of the vehicle which had hit the vehicle of the deceased. His daughter is suffering from various ailments. He has been falsely implicated. Hence, he may be released on bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner and co-accused had hatched a conspiracy to run over the deceased. Petitioner was present in the vehicle which was used to dash the vehicle of the deceased. As a result, he died.

We have considered the materials on record. Statements of witnesses show presence of the petitioner in the vehicle which was used to dash the vehicle of the victim. Also there are materials to show enmity between the parties. Nothing is placed on record to establish that release of the petitioner for the

treatment of his daughter is an imperative requirement. Under such circumstances 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.)