

08.08.2023.
26.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2162 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Canning P. S. Case No.494 of 2021 dated 21.11.2021 under Sections 302/120B/201/212 of the Indian Penal Code and Sections 27/35 of the Arms Act.

In the matter of : Rahamat Gazi.

... Petitioner.

Mr. Souvik Mitter,
Mr. Joy Chakraborty.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mrs. Sonali Das.

...for the State.

Md. Sabir Ahmed,
Mr. Aneek Pandit,
Ms. S. Mitra,
Mr. Ali Rizvi,
Mr. Avijit Kundu.

...for the de-facto complainant.

Petitioner submits he is not the principal accused. There is no evidence that he had fired at the victim. Co-accused have been enlarged on bail. Unlike Rafique Sk, he does not have criminal antecedents. Accordingly, he may be released on bail.

Learned Additional Public Prosecutor places on record report to highlight the role played by the petitioner vis-a-vis co-accused who are on bail. He also submits petitioner has criminal antecedents. Five criminal cases are pending against him.

Learned Advocate for the de-facto complainant also opposes the bail prayer.

We have considered the materials on record. Allegation in the First Information Report as well as statements of witnesses

show miscreants came in a auto rickshaw. They alighted and fired at the victim. As a result, the victim died. Presence of the petitioner in the auto rickshaw has been spoken of by the witnesses. CCTV footage also corroborates these statements. None of the co-accused who have been enlarged on bail were said to be present at the place of occurrence. Hence, role of the petitioner in the crime is on a graver footing than those who have been enlarged on bail. He also has criminal antecedents. Offence, if proved, would attract life imprisonment.

Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

Trial court is requested to proceed with the trial with utmost expedition and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)