

05.07.2023
Sl. No.126
akd
[Rejected]

C. R. M. (DB) 2285 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.06.2023 in connection with Murshidabad Police Station Case No.67 of 2023 dated 25.01.2023 under Sections 302/120B/34 of the Indian Penal Code. (G.R. Case No.243 of 2023)

And

In Re: ***Safiar Hossain***

... .. Petitioner

Mr. Ranadeb Sengupta
Mr. Sachit Talukdar

... .. for the petitioner

Mr. Habibur Rahaman
Mrs. Karabi Roy
Mr. Archishman Singh

... .. for the de-facto complainant

Mr. Swapan Banerjee
Mrs. Purnima Ghosh

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 161 days. It is further submitted there is no direct evidence connecting him with the murder. Co-accused has been enlarged on bail. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

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

We have considered the materials on record. Statements of witnesses show there was enmity between the petitioner and the deceased. CCTV footage collected during investigation show he was seen with the deceased prior to the incident. Weapon of offence was recovered on the leading statement of the petitioner. In view of the aforesaid incriminating materials, it cannot be said that petitioner stands on the same footing with the co-accused who has been enlarged on

bail. 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.)