

06.07.2023
D/L 30
Ct. No.28
Rejected
(SKB)

CRM (DB) 2284 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Sessions Case No.33 of 2023 arising out of Rajarhat Police Station Case No.296 of 2022 dated 21.09.2022 under Sections 302/120B of the Indian Penal Code read with Sections 25(1B)(a)/35 of the Arms Act

And

In the matter of : Sk. Rajesh Ali @ Rajesh
@ Rakesh @ Sk. Rajes Ali
... Petitioner

Mr. Phiroje Edulji,
Ms. R. Mukherjee,
Mr. Shibaji Kumar Das
... for the petitioner

Mr. Madhusudan Sur, APP,
Mr. Dipankar Paramanik
... for the State

Heard learned for the petitioner. He submits that the victim died due to an accident. FIR was initially registered under Section 279/304A of the IPC. He prays for bail.

Learned advocate for the State opposes the bail prayer. He submits that the petitioner and other three persons in the vehicle intentionally ran over the victim. Co-accused who are on bail stand on a different footing.

We have considered the materials on record. There was political rivalry of the petitioner and the co-accused on the one hand and the victim on the other hand.

Petitioner who was driving the vehicle which ran over the victim. Prima facie, materials disclose the ingredients of the evidence under Section 302 of the Cr.P.C. Bail prayer of the co-accused which are alleged to be conspirators have been allowed. They do not stand on the same footing of the petitioner who was the driver of the vehicle which ran over the victim.

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

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)