

03.07.2023.
37.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2342 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara P. S. Case No.373 of 2022 dated 17.05.2022 under Sections 341/394/399 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : Motaleb Sk @ Abdul Motaleb Sk. @
Motalob Sk.

... Petitioner.

Mr. Prabir Majumder,
Mr. S. Majumder.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Bail prayer of the petitioner was rejected in December, 2022. Petitioner was present at the time when one of the co-accused fired. Robbery was also committed in course of the incident. We do not find any material change in circumstances to revisit our earlier order of rejection of bail at this stage.

Hence, we are not inclined to grant bail to the petitioner.

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

Learned Magistrate is directed to take necessary steps for the apprehension of the absconding co-accused and in the event, they cannot be apprehended inspite of exhaustion of all

process to declare them as proclaimed offenders and commit the case to the Court of Sessions at the earliest.

Parties shall communicate this order to the learned Magistrate for due compliance.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)