

26.07.2023
Sl. No.27
akd
[Rejected]

C. R. M. (DB) 2961 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.07.2023 in connection with Beldanga Police Station Case No.602 of 2022 dated 07.10.2022 under Sections 325/326/427/307/302/34 of the Indian Penal Code. (G.R. Case No.4365 of 2022)

And

In Re: ***Ibrahim Sk.***

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Mr. Pradip Kumar Kundu
Ms. Sompurna Chatterjee
Mr. Sourav Mondal

... .. for the petitioner

Sk. Abdus Salam
Ms. Mihnaz Serweny Islam

... .. for the de-facto complainant

Ms. Zareen N. Khan
Md. Kutubuddin

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 293 days. It is further submitted petitioner did not intend to murder the victim. Co-accused have been enlarged on bail. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner is the principal accused and had assaulted the victim resulting in his death.

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

We have considered the materials on record. Incident occurred in the course of execution of a demolition order. Petitioner had used a weapon to assault the victim on the head resulting in his death. He cannot claim parity with the co-accused who have been enlarged on

bail. Under such circumstances and in view of 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.)