

01.08.2023
tkm/ct 28
sl no. 28

C.R.M. (DB) 3022 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Murshidabad P.S. Case No. 67 of 2023 dated 25.1.2023 under sections 326/307/34 IPC adding sections 302/120B IPC read with sections 25(i)(a)/27 of the Arms Act

and

In Re : Firoj Saikh @ Firoj Sk.

..... petitioner

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.

Mr. S Das Mahapatra

Mr. G N Imrohi

..... for the petitioner

Mr. M Sur

Mr. D Paramanick

..... for the State

Mr. Habibur Rahaman

Mrs. Karabi Roy

Mr. A Singh

..... for the de facto complainant

Petitioner is in custody for 180 days. He submits co-accused are on bail. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

Learned lawyer for the de facto complainant also opposes the bail prayer. She submits bail prayer of co-accused Safiar Hossain was turned down by this court.

We have considered the materials on record. CCTV footage probabilises presence of the petitioner near the place of occurrence. Weapon of offence was recovered on the leading statement of the petitioner. Bail prayer of co-accused Safiar Hossain was turned down by this court. Petitioner does not stand on the same footing with co-accused who have been granted bail. Their presence is not probabilised near the place of occurrence and no recovery was made pursuant to their statement.

In view of the aforesaid circumstances and the gravity of offence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)