

22.08.2023
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rejected

C.R.M.(DB) No. 3275 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Goalpokher Police Station Case No. 75 of 2023 dated 18.02.2023 under Sections 147/148/149/326/307/302/506/34 of the Indian Penal Code read with Sections 25(1-A)/27/35 of the Arms Act.

And

In Re : Najish Ahsan petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Surajit Basu
Ms. Barnali Mukherjee
....for the petitioner

Mr. Nuguive Ahmed, learned APP
Ms. Amita Gaur
..... for the State

Mr. Saurav Chatterjee
Mr. M. N. Chowdhury
Mr. M. A. Salik
..... for the de facto complainant

1.Learned Counsel for the petitioner submits he is in custody for 180 days. It is also submitted that incident occurred in the course of a commotion. There was no intention to murder. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is one of the persons who assaulted and fired at the victim resulting in his death.

3. Learned Counsel for the de facto complainant submits petitioner is one of the principal accused and does not stand on the same footing with the co-accused who are on bail. Petitioner participated in the assault and firing at the victim.

4. We have considered the materials on record. Petitioner had participated in the assault and firing at the victim. Out of three victims two have died. No overt act had been attributed in the assault and firing at the victim. Petitioner does not stand on the same footing with the co-accused who are on bail. Keeping in mind the gravity of the offence and prima facie involvement of the petitioner in the murder we are not inclined to grant bail to him.

5. The application for bail is, thus, rejected.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)