

31.08.2023
Sl. No.19
akd
[Rejected]

C. R. M. (DB) 3314 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.08.2023 in connection with Nowda Police Station Case No.330 of 2022 dated 24.11.2022 under Sections 302/34/120B of the Indian Penal Code, Sections 25/27/35 of the Arms Act and Sections 3/4 of the Explosive Substances Act. (G.R. Case No.5186 of 2022)

And

In Re: ***Monirul Sk.***

... .. Petitioner

Md. Sabir Ahamed
Ms. Suman Biswas
Mr. Dhiman Banerjee
Mr. Soham Chakraborty

... .. for the petitioner

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 267 days. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner does not stand on the same footing with co-accused. Weapon of offence i.e. gun and motorcycle used to carry out the crime were recovered from the residence of the petitioner on the leading statement of another co-accused who is in custody.
3. We have considered the materials on record. Miscreants had fired at the victim resulting in his death. Gun used to commit the crime was recovered from the residence of the petitioner. Motorcycle used at the time of occurrence was also recovered from his residence. These recoveries were made from the leading statement of a co-accused who is also in custody. In view of the aforesaid incriminating materials, we are of the opinion petitioner does not

stand on the same footing with 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.

4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)