

25.08.2023
Sl. No.32
akd
[Rejected]

C. R. M. (DB) 3344 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.08.2023 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(1A)/27/35 of the Arms Act. (G.R. Case No.394 of 2023)

And

In Re: ***Gulam Mohammed @ Mohammad***

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourov Mondal
Mr. Sakhawat Khandekar
Ms. Swati Jha

... .. for the petitioner

Mr. N. N. Chowdhury
Mr. M. Ahmed Salik

... .. for the de-facto complainant

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Paramanick

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 186 days. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits firearm used to fire at the victims has been recovered from the petitioner.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record. Petitioner and co-accused had attacked the victims. One of the victims was pushed from the roof while two others were fired at. Two of them died. Firearm used to fire at the victims was recovered from the petitioner.

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.

5. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)