

01.09.2023.
37.
Ct.No.28.
as
(Rejected)

C.R.M. (DB) 3442 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Farakka P.S. Case No.199 of 2023 dated 30.04.2023 under Sections 325/326/307/302/34 of the Indian Penal Code.

In the matter of : Tarik Anowar @ Buju @ Baju.
.... Petitioner.

Mr. Tapan Datta Gupta,
Mr. Himadri Mahato,
Mr. Parvej Anam.

...for the Petitioner.

Mr. Koushik Kundu.

...for the State.

1. Petitioner submits he is not the principal accused. He has been falsely implicated. He is in custody for 123 days. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits petitioner was a member of the group and was armed. He had also struck one of the witnesses.
3. We have considered the materials on record. Petitioner has been charged under Section 302 read with Section 34 of the Indian Penal Code.
4. In view of the nature of charge, prosecution need not prove that the petitioner had committed the murder. He was armed and present at the spot. He had also struck father of the victim with a knife.
5. These materials *prima facie* establish he shared common intention in furtherance of which murder had been committed.

6. Under such circumstances, we are not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)