

14.09.2023.
38.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3583 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal P.S. Case No.396 of 2022 dated 30.06.2022 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act and Sections 3/ 4 of the Explosive Substances Act and charge sheet submitted under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act and Sections 3/4 of the Explosive Substances Act.

In the matter of : **Ajit Mondal.**

... Petitioner.

Mr. Ayan Bhattacharyya,
Mr. Kunal Ganguly,
Mr. Saptarshi Chakraborty.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

1. Petitioner is in custody for 440 days. He submits there was case and counter case. Co-accused are on bail. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits petitioner is the principal accused. He had fired at the victim resulting in death. Gun recovered from the petitioner which matched the bullet recovered from the victim.
3. We have considered the materials on record. Eyewitnesses as well as other incriminating circumstances show petitioner is the principal accused. There was a free fight. Accordingly, co-accused have been enlarged on bail. Petitioner who is the principal accused cannot claim parity with them.
4. In view of aforesaid circumstance and gravity of offence, we are not inclined to grant bail to the petitioner at this stage.

5. Hence, the prayer for bail of the petitioner is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)