

14.09.2023
tkm/ct 28
sl no. 39

C.R.M. (DB) 3584 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Islampur PS Case No. 53 of 2023 dated 27.1.2023 under sections 307/34 IPC read with sections 25/27/35 of the Arms Act adding section 302 IPC

and

In Re : Md Iqbal @ Grori @ Md. Iquebal petitioner

Mr. J N Chatterjee
Mr. K Choudhury
Ms. Nandini Chatterjee
Ms. Bushra Khatun

..... for the petitioner

Mr. N Ahmed
Ms. Trina Mitra

..... for the State

Mr. M Nazar Chowdhury
Mr. M A Salik

..... for the de facto complainant

1. Petitioner is in custody for 164 days. He submits he is not the principal offender. He prays for bail.
2. Learned lawyer for the Sate opposes the bail prayer. He contends CCTV footage of the place of occurrence shows petitioner was present at the spot.
3. We have considered the materials on record. Petitioner was present at the spot when co-accused fired at the victim. Attending circumstances give rise to an inference petitioner shared common intention with the co-accused to commit the crime.
4. In view of the gravity of offence and involvement of the petitioner therein we are not inclined to grant bail to the petitioner at this stage.
5. Accordingly, the prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)