

18.09.2023

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rejected

C.R.M.(DB) No. 3623 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 299 of 2023 dated 07.04.2023 under Sections 302/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re : Abdul Kalam Biswas @ Kalam Bisws @ Abul Kalam Biswas petitioner

Ms. Minoti Gomes

Ms. Dona Sanyal

Ms. Shanta Sarkar

....for the petitioner

Ms. Zareen N. Khan

Mr. Arup Sarkar

..... for the State

1. Learned Counsel for the petitioner submits he has been falsely implicated. Co-accused are on bail. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner does not stand on the same footing with the co-accused. Witnesses stated he along with others were armed with firearms and had shot at the victim. As a result, victim died.

3. We have considered the materials on record. Witnesses claimed petitioner was present at the place of occurrence. He and others were armed with firearms. They fired at the victim in a tea shop. As a result victim died.

4. Co-accused who have been enlarged on bail are said to be conspirators. They were not at the place of occurrence. They do not stand on the same footing with the petitioner. In view of the primary role played by the petitioner in the crime and gravity of the offence, we are not inclined to grant bail to him at this stage.

5. The application for bail is, thus, rejected.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)