

22.09.2023
Sl. No.42
akd
[Rejected]

C. R. M. (DB) 3690 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.09.2023 in connection with Nakashipara Police Station Case No.257 of 2021 dated 06.06.2021 under Sections 302/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act. (G.R. Case No.1240 of 2021)

And

In Re: **Aksar Sk. @ Akchar Sk.**

... .. Petitioner

Mr. Imtiaz Ahmed
Mr. Ghazala Firdaus
Sk. Saidullah
Mr. Mithun Mondal
Md. Arsalan

... .. for the petitioner

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 2½ years. It is further submitted there is no progress in the matter since rejection of bail by this court. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of co-accused viz. Akai Dafadar and Arnab Sarkar @ Guddu was turned down by this court. Petitioner stands on the same footing with the said co-accused.
3. We have considered the materials on record. Statements of witnesses recorded under Sections 161/164 of the Code of Criminal Procedure implicate the petitioner in the murder of two victims. Bail prayer of co-accused viz. Akai Dafadar and Arnab Sarkar @ Guddu similarly circumstanced with the petitioner was rejected. Co-accused who are on bail do not stand on the same footing with the petitioner as they were not named by witnesses. Delay in the matter is due to

abscondence of co-accused. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.
5. Trial court is directed to take necessary steps to consider the issue of framing of charge at the earliest.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)