

10.10.2023
tkm/ct 28
sl no. 41

C.R.M. (DB) 3896 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Tamluk PS case no. 829 of 2022 dated 14.9.2022 under sections 302/201/34 IPC read with sections 25 and 27 of the Arms Act

And

In Re : Md. Ijad @ Suraj

...petitioner

Mr. Souvik Mitter
Mr. R K Acharyya
Mr. A Chakraborty
Mr. B B Maity
Mr. S S Saha
Mr. S Chakraborty

..... for the petitioner

Mr. M Sur
Mr. M Mahata

..... for the State

1. Petitioner contends co-accused are on bail. Accordingly he prays for bail on parity.
2. Learned lawyer for the State opposes the bail prayer. He submits petitioner does not stand on the same footing. Weapon of offence i.e. pistol was recovered from him. Victim had died due to gun-shot injury.
3. We have considered the materials on record. Petitioner stands entirely on a different footing from co-accused who have been enlarged on bail. Weapon of offence was recovered from the petitioner.
4. In view of the aforesaid incriminating material i.e. recovery of weapon of offence, we are not inclined to grant bail to the petitioner on parity.
5. Accordingly his prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)