

16.10.2023
Sl. No.57
akd
[Rejected]

C. R. M. (DB) 4034 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.10.2023 in connection with Gangarampur Police Station Case No.23 of 2021 dated 19.01.2021 under Sections 341/326/307/302/34 of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act. (G.R. Case No.52 of 2021)

And

In Re: **Arun Das**

... .. Petitioner

Ms. Jeenia Rudra

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor

Ms. Amita Gaur

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years. Co-accused have been enlarged on bail/anticipatory bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of the petitioner was rejected earlier on merits.
3. We have considered the materials on record. Statement of the injured eyewitness recorded under Section 164 of the Code of Criminal Procedure implicates the petitioner in the murder. He does not stand on the same footing with co-accused who have been enlarged on bail/anticipatory bail. His bail prayer was rejected earlier on merits. Offences, if proved, would attract mandatory life imprisonment. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

