

17.10.2023.
36.
Ct.No.28
As
(Rejected)

C.R.M. (DB) 4068 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Madhabdihi P. S. Case No.33 of 2022 dated 09.02.2022 under Sections 394/302/411/34 of the Indian Penal Code and under Sections 25(1)(a)/27/35 of the Arms Act.

In the matter of : **Abu Bakkar Mallik @ Asraful & Anr.**
... Petitioners.

Mr. Uday Sankar Chattopadhyay,
Ms. Trisha Rakshit,
Ms. Rajashree Tah,
Ms. Aishwarya Datta.

...for the Petitioners.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Manoranjan Mahata.

...for the State.

1. Petitioners are in custody for one year and four months. They contend the identification of the witnesses Court is of little value as the witnesses admitted petitioners were shown to them in the police station. Accordingly, petitioners pray for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits apart from identification there are other incriminating materials including recovery of stolen articles from the petitioners and the ballistic report which shows the bullet recovered from the place of occurrence matched with the firearm recovered from petitioner no.1.

3. We have considered the materials on record. Allegations involve murder and robbery. Evidence is in progress. It is inadvisable to assess the evidence of the

identifying witnesses with reference to a single observation during cross-examination. There are other incriminating materials implicating the petitioners in the crime as argued on behalf of the prosecution.

4. In the light of the aforesaid circumstances and gravity of offence, we are not inclined to grant bail to the petitioners at this stage.

5. Accordingly, the prayer for bail of the petitioners is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)