

17.10.2023.
40.
Ct.No.28
As
(Rejected)

C.R.M. (DB) 4073 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Margram P. S. Case No.27 of 2023 dated 05.02.2023 under Sections 147/148/149/341/325/326/307/302 of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act.

In the matter of : **Anarul Sk.**

... Petitioner.

Mr. Arindam Jana,
Mr. Akashdeep Mukherjee,
Mr. Animesh Bhattacharya,
Ms. Shreya Mukhopadhyay,
Mr. Pritam Chatterjee.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arani Bhattacharyya.

...for the State.

Mr. Bitasok Banerjee.

....de-facto complainant.

1. Petitioner is in custody 246 days. He submits he is not the principal accused. He renews his bail prayer.
2. Learned Advocate for the State opposes the bail prayer. He contends petitioner was a member of the unlawful assembly some of them threw bombs resulting in the death of two persons.
3. Learned Advocate for the de-facto complainant opposes the bail prayer. He submits trial is in progress and petitioner shall intimidate witnesses, if released on bail.
4. We have considered the materials on record. Case involves murder of two persons. Statements of witnesses

show presence of the petitioner at the place of occurrence with others who threw bombs. Petitioner was also armed and there are *prima facie* materials to show he was member of unlawful assembly who shared common object to commit murder. Trial is in progress.

5. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

6. Accordingly, the prayer for bail of the petitioner is rejected.

7. We request the Trial Court to expedite the trial and conclude the same at an early date without granting unnecessary adjournments to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)