

17.10.2023.
44.
Ct.No.28
As
(Rejected)

C.R.M. (DB) 4078 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Basirhat P. S. Case No.847 of 2022 dated 19.12.2022 under Sections 302/120B/34 of the Indian Penal Code.

In the matter of : **Sujoy Dey @ Joy & Anr.**
... Petitioners.

Mr. Kallol Kr. Basu,
Md. Jannat Ul Firdous.
...for the Petitioners.

Ms. Zareen N. Khan,
Mr. Arup Sarkar.
...for the State.

Mr. Satadru Lahiri,
Mr. Safdar Azam,
Syed Wasim Faruque,
Mr. Jyotirmoy Talukder.
....de-facto complainant.

1. Petitioners are in custody for 292 days. They submit there is no direct evidence connecting them with the murder. Co-accused viz., Mohanta Das is on bail. They pray for bail.

2. Learned Advocate for the State opposes the bail prayer.

3. Learned Advocate for the de-facto complainant also opposes the bail prayer. He contends they do not stand on the same footing with the said co-accused viz., Mohanta Das who is on bail.

4. We have considered the materials on record. Petitioners were seen drinking with the victim prior to the incident. They had altercation between themselves. On

their joint disclosure statement ligature which was used to strangle the victim was recovered from petitioner No.1.

5. In view of the aforesaid incriminating materials, we are of the opinion petitioners do not stand on the same footing with co-accused viz., Mohanta Das who has been enlarged on bail. Allegations are serious. Offences, if proved, would attract mandatory life imprisonment.

6. Under such circumstances, we are not inclined to grant bail to the petitioners.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)