

19.10.2023
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sdas
rejected

C.R.M.(DB) No. 4117 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 688 of 2022 dated 30.06.2022 under Sections 363/365/364A/120B/34 of the Indian Penal Code.

And

In Re : Md. Joharul Khan Petitioner

Mr. Rana Mukhopadhyay

....for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 400 days. He was not named in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner was identified by the victim during test identification parade. Delay is due to abscondence of the co-accused.

3. We have considered the materials on record. Petitioner was identified by the victim during test identification parade examination. Bail prayer of the petitioner was rejected earlier on merits. Delay in the matter was due to abscondence of the co-accused. Offences, if proved, would attract mandatory life

imprisonment. Under such circumstances, we are not inclined to grant bail to the petitioner.

4. The application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)