

22.11.2023
Sl. No.24
akd
[Rejected]

C. R. M. (DB) 4146 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 Nabagram Police Station Case No.213 of 2023 dated 16.06.2023 under Sections 341/323/325/302/34 of the Indian Penal Code. (G.R. Case No.1909 of 2023)

And

In Re: **Allarakha Sk. @ Allahrakha Sk.**

... .. Petitioner

Mr. Imtiaz Ahmed
Mrs. Ghazala Firdous
Mr. Mofakkerul Islam
Sk. Saidullah
Mr. Mithun Mondal
Md. Arsalan
Md. Sakil
Md. Bani

... .. for the petitioner

Ms. Faria Hossain
Mr. Anand Kesari

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 162 days. It is further submitted name of the petitioner does not feature in the police report. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner is a member of the unlawful assembly; some of whom had assaulted the victim resulting in his death. Bail prayer of co-accused viz. Ismail Sk. was rejected in October, 2023.
3. We have considered the materials on record. Statements of witnesses recorded under Section 164 of the Code of Criminal Procedure disclose the role of the petitioner in the crime. He stands on the same footing with co-accused viz. Ismail Sk. whose bail prayer was rejected in October, 2023. Under such circumstances

and in view of gravity of the offence, 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.)