

10.01.2024
Sl. No.40
akd
[Rejected]

C. R. M. (DB) 50 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.12.2023 in connection with Nimta Police Station Case No.598 of 2021 dated 01.08.2021 under Sections 302/201/120B/34 of the Indian Penal Code and Sections 25/27/35 of the Arms Act. (G.R. Case No.6468 of 2021)

And

In Re: ***Md. Ladla @ Sk. Ladla***

... .. Petitioner

Mr. Soubhik Mitter
Mr. L Maitra
Mr. Kalyan Kumar Bhattacharjee
Ms. Rajnandini Das

... .. for the petitioner

Mr. S. M. Obaidullah
Mr. Roni Chowdhury

... .. for the de-facto complainant

Mr. Arijit Ganguly
Mrs. Sujata Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years. It is further submitted petitioner is not the principal assailant. Co-accused have been granted bail/anticipatory bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record. Petitioner and one Chotua had come to the spot. Chotua fired at the victim who died. Thereafter, they left together on a bike. These materials prima facie disclose involvement of the petitioner in the crime. Co-accused who had been granted bail/anticipatory bail do not stand on the same

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

5. The application for bail is thus rejected.
6. Trial court is directed to consider the issue of framing of charge at the earliest and in the event charge is framed to take the proceeding to its logical conclusion without unnecessary delay.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)