

19.02.2024
tkm/ct 28
sl no. 41

C.R.M. (DB) 328 of 2024

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 5.2.2023 under sections 147/148/149/341/325/326/307/302 IPC and sections 3/4 of the Explosive Substance Act

And

In Re : Hirak Sekh

..... petitioner

Mr. Sourav Chatterjee
Mr. J Chakraborty
Mr. S Dinda

..... for the petitioner

Mr. S Bapuli
Ms. Ayantika Roy

..... for the State

Mr. Bitasok Banerjee

..... for the de facto complainant

1. Petitioner is in custody or 371 days. He contends eye-witnesses Harun Sk and Milon Sk had not named him in their statements before Magistrate under section 164 Cr.P.C. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer and submits petitioner and others were armed and had come to the spot to murder the victim. Examination of witnesses is in progress.
3. Learned lawyer for the de facto complainant also opposes the bail prayer.
4. We have considered the materials on record. Evidence of one of the eye-witnesses has been recorded in part. He deposed petitioner and others were variously armed and present at the spot. Some of them threw bombs resulting in death of two persons.

5. The aforesaid evidence prima facie implicates the petitioner, who was a member of an unlawful assembly, whose object was to commit murder. Trial is in progress and vital witnesses are yet to be examined.
6. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
7. Accordingly, prayer for bail is rejected.
8. Trial court is requested to expedite the trial and conclude the same at an early date.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)