

06.02.2024.
23.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 357 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Noapara P.S. Case No.193 of 2023 dated 03.08.2023 under Sections 326/307/34 of the Indian Penal Code read with Sections 25(1)(a)/27 of the Arms Act.

In the matter of : **Rana Mondal.**

... Petitioner.

Mr. Sabyasachi Mukherjee,
Mr. P. Dey,
Mr. Mukesh Khanna,
Syed Neaz Ahmed,
Mr. Mrinmay Nandy,
Ms. Arundhuti Barai.

...for the Petitioner.

Mr. Swapan Banerjee, Id. Sr. Govt. Adv.,
Mr. Mainak Gupta.

...for the State.

1. Petitioner contends he is in custody for 175 days. He did not fire at the victim. Co-accused are on bail. Accordingly, he prays for bail.

2. Learned Senior Government Advocate opposes the bail prayer. He contends petitioner had hired an auto rickshaw which was used by the mercenaries. He was present at the place of occurrence. Unlike co-accused who are on bail, CCTV footage shows presence of the petitioner along with the miscreants who fired at the victim.

3. We have considered the materials on record. CCTV footage shows presence of the petitioner along with co-accused who fired at the victim. CCTV footage does not show the presence of other co-accused who are on bail.

4. Keeping in mind the incriminating materials collected against the petitioner disclosing his common intention to commit the crime, we are not inclined to grant bail to the petitioner at present.

5. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)