

06.02.2024

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rejected

C.R.M.(DB) No. 368 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Titagarh Police Station Case No. 223 of 2023 dated 28.04.2023 under Sections 302/34/120B/201 of the Indian Penal Code and Sections 25/27/35 of the Arms Act.

And

In Re : Rohit Kumar Singh @ Golu petitioner

Mr. Debasis Kar

Mr. Arka Tilak Bhadra

....for the petitioner

Mr. Madhusudan Sur, learned APP

Ms. Puspita Saha

... for the State

In Re : CRM (DB) 4133 of 2023

1. Inadvertent typographical error had crept into the order dated 19.10.2023.

2. In the first line of the first paragraph of the order the words 'six years' shall be read as 'six months'.

3. Department is directed to incorporate the necessary correction in the order.

4. Other portions of the order shall remain the same.

In Re : C.R.M.(DB) No. 368 of 2024

5. Learned Counsel for the petitioner submits he is in custody for more than seven months. He is not the principal accused. He did not share common intention to murder the

victim. Co-accused, Sabnam Bano who had called the victim to the spot has been granted bail. Accordingly, he prays for bail.

6. Learned Counsel for the State opposes the prayer for bail and submits petitioner was present at the place of occurrence with the co-accused viz. Sunny and Arif who had fired at the victim. Firearm was recovered.

7. We have considered the materials on record. Petitioner was riding on a motorcycle with the co-accused Sunny and Arif. Said co-accused fired at the victim. These circumstances prima facie establish common intention of the petitioner to commit the crime. Materials on record show co-accused, Sabnam Bano had taken loan from the victim. She had called him to the spot to refund the loan. Whether she knew the evil design of her husband, Sunny and others to murder the victim is unclear. Accordingly, she was released on bail. Petitioner cannot claim parity with her. In view of gravity of the offence and the materials on record implicating the petitioner, we are not inclined to grant bail to him.

8. Application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)