

07.02.2024
tkm/ct 28
sl no. 51

C.R.M. (DB) 395 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Dholahat P.S. Case No. 137 of 2016 dated 24.3.2016 under sections 324/326/307/302/120B/34 IPC read with section 25/27 of the Arms act along with section 9(b) of the Indian Explosives Act

And

In Re : Sajahan Kha @ Khan

..... petitioner

Mr. Sabyasachi Chatterjee
Mr. A Mukherjee
Mr. S Banerjee
Ms. Somali Das

..... for the petitioner

Mr. P P Das
Mr. S S Saha

..... for the State

1. Petitioner is in custody for 461 days. He contends co-accused Aoulad Mir has been enlarged on bail. He renews his bail prayer.
2. Learned lawyer for the State opposes the bail prayer. He submits petitioner does not stand on the same footing with Aoulad Mir. Upon consideration of such fact his bail prayer has been rejected in CRM(DB) 1054 of 2023.
3. We have considered the materials on record. Statements of witnesses show petitioner was present at the place of occurrence. He is not on the same footing with co-accused Aoulad Mir who is alleged to be a conspirator. Trial is in progress and 12 witnesses have been examined.
4. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
5. Accordingly, prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)