

13.02.2024
tkm/ct 28
sl no. 60

C.R.M. (DB) 443 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Narayanpur P.S. Case No. 126 of 2023 dated 1.9.2023 under sections 302/1204B/341 IPC

And

In Re : Ali Hossain alias Seikh Ali Hossain petitioner

Mr. Sandipan Ganguly, Sr. Adv.

Mr. A Chatterjee

..... for the petitioner

Ms. Faria Hossain

Ms. Trina Mitra

..... for the State

Mr Kallol Kr. Basu

Md. J Ul Firdous

..... for the de facto complainant

1. Petitioner is in custody for 163 days. He submits he was not named in the FIR. Due to animosity he has been falsely implicated. Statements of witnesses implicating him were belatedly recorded. He prays for bail.
2. Learned lawyer for the State as well as de facto complainant oppose the bail prayer.
3. We have considered the materials on record. Informant who registered the FIR was not an eye witness. During investigation statements of eye-witnesses were recorded. They stated petitioner was present at the place of occurrence and had drawn attention of his brother Abu Hossain to the victim. Then Abu and his associate murdered the victim. Petitioner had prior animosity with the victim. Delay in examination of witnesses *per se* is no ground to disbelieve the eye-witnesses particularly when their evidence has not come on record.

4. Under such circumstances and in view of the gravity of offence 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.)