

04.03.2024
tkm/ct 28
sl no. 47

C.R.M. (DB) 685 of 2024

In Re : An application for bail under section 439 Cr.P.C in connection with Hirapur PS case no. 226 of 2018 dated 4.9.2018 under section 302/34 IPC read with section 25/27 of the Arms Act

And

In Re : Mahesh Sharma

..... petitioner

Mr. P S Bhattacharya
Mr. K Banerjee

..... for the petitioner

Mr. T K Ghosh
Mr. Manasi Roy

..... for the State

1. Petitioner is in custody for more than 100 days. He submits co-accused are on bail. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits petitioner had absconded for more than five years. Weapon of offence was recovered from his possession.
3. Learned lawyer for the de facto complainant also opposes the bail prayer.
4. We have considered the materials on record. Witnesses saw petitioner and others fleeing away from the place of occurrence. They were carrying fire arms. Petitioner absconded for more than five years. Hence, he cannot claim parity with co-accused who are on bail. Moreover, from his residence fire arm was recovered. Trial is in progress.
5. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
6. Accordingly, prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)