

14.03.2024
tkm/ct 28
sl no. 35

C.R.M. (DB) 810 of 2024

In Re : An application for bail under section 439 Cr.P.C in connection with Rajarhat PS case no. 296 of 2022 dated 21.9.2022 under sections 302/120B IPC and 35 of the Arms Act

And

In Re : Sk. Rajesh Ali

..... petitioner

Mr. S Das Mahapatra

Ms. M Sinha

..... for the petitioner

Mr. P P Das

Mr. Arif Hossain

..... for the State

1. Petitioner contends Mizanur Rahaman had motive to commit the crime. He is on bail. Other co-accused are also on bail. Petitioner has been falsely implicated. He renews his bail prayer.
2. Learned lawyer for the State opposes the bail prayer. He contends petitioner ran over the victim in order to kill him. He does not stand on the same footing with co-accused who are on bail.
3. We have considered the materials on record. Petitioner was driving the offending vehicle. He ran over the victim resulting in his death. The aforesaid materials prima facie established that he is a murderer. Prosecution has implicated other co-accused as conspirators. By no stretch of imagination petitioner can claim to stand on the same footing with the conspirators.
4. Under such circumstances and as bail prayer of the petitioner was rejected earlier in July 2023, we are not inclined to grant bail to the petitioner at this stage.
5. Accordingly, prayer for bail is rejected.
6. Trial court is directed to expedite the trial and conclude the same at an early date.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)