

05.04.2024.
29.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1015 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Moyna P.S. Case No.128 of 2023 dated 02.05.2023 under Sections 364/302/120B/34 of the Indian Penal Code and adding Sections 323/325/326/307/354 of the Indian Penal Code and Sections 25/27 of the Arms Act and Sections 3(1)(r)(s) and 3(2)(va) of SC/ST Act and Sections 3/4 of the Explosive Substance Act.

In the matter of : **Sagar Mondal @ Sagar Mandal.**
... Petitioner.

Mr. Prabir Kr. Mitra,
Ms. Subhanwita Ghosh.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Pratick Bose.

...for the State.

1. Petitioner is in custody for 340 days. He submits co-accused is on bail. He has been falsely implicated. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer.

3. We have considered the materials on record. Petitioner has been implicated in the statements of witnesses before Magistrate. Co-accused viz., Buddhadeb Mondal @ Buddhadev Mondal was enlarged on bail on the ground that he had been implicated on mistaken identity.

4. Under such circumstances, we are of the opinion petitioner cannot claim parity with the said co-accused viz., Buddhadeb Mondal @ Buddhadev Mondal.

5. In view of the aforesaid incriminating materials and gravity of the offence, we are not inclined to grant bail to the petitioner.

6. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)