

09.04.2024
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sdas
rejected

C.R.M.(DB) No. 1001 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 1402 of 2021 dated 23.11.2021 under Sections 302/120B/34 of the Indian Penal Code read with Sections 25(1B)(a)/27(3)/35 of the Arms Act.

And

In Re : Md. Nausad @ Sk. Nowsad petitioner

Mr. Sandip Chakraborty

Mr. Kaustav Das

....for the petitioner

Mr. Antarikhya Basu

Md. Aqib Badar

... for the State

1. Learned Counsel for the petitioner submits he is not the principal accused. He is in custody for two years and seven months. He prays for bail.

2. Learned Counsel for the State submits vital witnesses who have named the petitioner are yet to be examined.

3. We have considered the materials on record. It appears from the statements of the eye-witnesses viz. Nehal Khan and Md. Sohel that petitioner was a member of the group which had fired at the victim. In view of involvement of the petitioner in the murder and as vital witnesses are yet to be examined, we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

5. We request the prosecution to examine the vital eye-witnesses i.e. CWs. 4 and 5 at the earliest.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)