

16.04.2024.  
34.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (DB) 1143 of 2024**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Nazat P.S. Case No.237 of 2023 dated 13.10.2023 under Section 302 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : **Habibulla Molla @ Habib.**  
... Petitioner.

Mr. Anirban Guha Thakurata,  
Mr. Sujan Chatterjee,  
Mr. Souparna Sinha,  
Mr. Rohan Bhavishi.

...for the Petitioner.

Mrs. Amita Gaur,  
Ms. Debadrita Mondal.

...for the State.

1. Petitioner contends he is in custody for 179 days. There is no direct evidence implicating him in the crime. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. She submits petitioner had called the victim. Thereafter, he was murdered. Video footage shows the presence of the petitioner at the place of occurrence. Firearm was also recovered from his possession.

3. We have considered the materials on record. Petitioner had called the victim to the spot. Video footage shows image of a person which is akin to the petitioner. Firearm has also been recovered. Date has been fixed for consideration of charge.

4. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

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

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**