

09.05.2024.
35.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1375 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Panskura P.S. Case No.183 of 2021 dated 16.04.2021 under Sections 341/342/363/364/365/368/379/120B/506/195A/34 of the Indian Penal Code.

In the matter of : **Bapan Mondal @ Sarat Mondal.**
... Petitioner.

Mr. Soubhik Mitter,
Mr. Robiul Islam,
Mr. Raju Mondal.

...for the Petitioner.

Mr. Joydeep Roy, Id. Jr. Govt. Adv.,
Mr. Santanu Talukdar.

...for the State.

Mr. Soumya Nag,
Mr. Aditya Tiwari.

...for the de-facto complainant.

1. Petitioner contends he is a witness in the murder of one Kurban Sha. One Anisur Rahman is an accused therein. Petitioner has been falsely implicated in the abduction of two witnesses of the said case. He prayed for pre-arrest bail. Thereafter, he has surrendered and is in custody for 127 days. Accordingly, he prays for bail.

2. Learned Advocate for the de-facto complainant submits he and other witnesses were abducted by the associates of Anisur Rahman including the petitioner. Charge sheet was filed against him in 2021. Warrant, proclamation and attachment came to be issued against petitioner and co-accused. None of them were arrested. On the contrary, co-

accused were seen sharing dias with superior police officer. When this Court intervened petitioner and others prayed for pre-arrest bail which was rejected. There is apprehension that the petitioner would threaten witnesses again, if released on bail.

3. Learned Advocate for the State produces the Case Diary.

4. We have considered the materials on record including the statement of one Kamal, an eyewitness in the murder of Kurban Sha. He stated that the miscreants had taken them in a vehicle to a spot they were threatened with death. Petitioner was driving the vehicle. Trial in the murder of Kurban Sha is still in progress. Petitioner had absconded for a considerable period of time. Co-accused who are on bail did not abscond and have been released on statutory bail.

5. Under such circumstances, we are of the opinion if petitioner is released on bail he and his associates may threaten other witnesses in the said murder case. Hence, we are not inclined to grant bail to the petitioner.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)