

10.06.2024
Item no. 27.
Court No.28.
AB
(Rejected)

CRM (DB) 1540 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Haroa Police Station Case No.299 of 2023 Dated 13.8.2023 under Sections 302/379/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act

And

**In the matter of : Sekh Aktar Hossain @ Hazi Sk. Aktar Ali
@ Aktar Hazi alias Sk. Aktar**

.....Petitioner.

Mr. Anshuman Chakraborty,
Mr. S. S. Sahafor the Petitioner.

Ms. Sreyashee Biswas,
Mr. Shiladitya Banerjeefor the State.

Mr. S. G. Mukherjee,
Ms. Sudeshna Chanda
.....for the Defacto Complainant.

The petitioner is one out of 13 accused persons. The allegation is under Sections 302/379/120B of IPC and Sections 25/27 of the Arms Act.

The prosecution case is that the petitioner led a gang of persons who opened fire on the victim, who was the brother of the defacto complainant. The victim suffered fatal injuries and succumbed thereto subsequently.

The petitioner says that he has been framed. He has no role to play in the alleged offence. He has been in custody for

more than eight months. The case is yet to be committed. He should be enlarged on bail.

Learned Advocate for the State says that eight out of 13 accused persons are absconding. The case was committed on February 16, 2024. The next date fixed by the learned Trial Judge is July 18, 2024. Learned Advocate draws our attention to the material in the case diary including statements of witnesses. We have also seen the seizure list, which clearly mentions that country made firearms as also one round of live ammunition were recovered from the present petitioner.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, which is grave in nature, we are not inclined to allow the present application for bail, at this stage.

The prayer for bail is, accordingly, rejected.

However, considering that the petitioner has been in custody for about eight months, we request the learned Trial Judge to expedite the trial to the extent possible and bring the same to its logical conclusion as expeditiously as possible.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

