

19.07.2024
Item no. 16.
Court No.28.
AB
(Rejected)

CRM (DB) 1755 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Goalpokhor Police Station Case No.75 of 2023 Dated 18.02.2023 under Section 147/148 149/326/307/302/506/34 of the Indian Penal Code read with Section 25(1A)/27/35 of the Arms Act

And

In the matter of : Najish Ahsan @ Md. Najish Ahsan

.....Petitioner.

Mr. Sekhar Basu, Sr. Adv,
Mr. Diptangshu Basu,
Mr. Muhammad Jawwadfor the Petitioner.

Mr. Debasish Roy, Id. PP
Ms. Anasuya Sinha, Id. APP
Ms. Puspita Sahafor the State.

Mr. Sourav Chatterjee,
Md. M. Nazar Chowdhury
Ms. Sanchayita Defor the Defacto complainant.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned Senior Counsel appearing for the petitioner has submitted that the petitioner is standing on the same footing with the accused, Md. Tousif, who was granted bail by this Court on earlier occasion. There is nothing on record to show that any incriminating article has been recovered from the present petitioner, who has been languishing in the judicial custody for about 511 days. Considering the bail order of the accused, Md. Tousif, the present petitioner may be granted bail on any condition.

Learned Senior Counsel also pointed out that the said accused Md. Tousif was granted bail though some of the incriminating articles were recovered from his possession.

The learned Public Prosecutor has vehemently opposed the prayer for bail. According to him, there are sufficient incriminating materials against the present petitioner. He draws attention of this Court to the statements of the witnesses recorded under Section 164 Cr.P.C. mentioning the present petitioner as the principal assailant.

The learned Public Prosecutor has also submitted that on earlier two occasions, i.e., August 22, 2023 and November 23, 2023, the prayer for bail of this petitioner was rejected by a Coordinate Bench of this Court.

Learned Counsel appearing for the defacto complainant has submitted that the present petitioner does not stand on the same footing as the accused Md. Tousif. He has pointed out that it is due to the dilatory tactics of the present petitioner and other accused persons that framing of charge has been unduly delayed. Learned Counsel for the defacto complainant prays for rejection of the instant prayer for bail of the petitioner.

We have gone through the material on record including the CD. It appears that the present petitioner is the principal assailant, who fired on the deceased and further, there is certain other incriminating material in the case diary against the present petitioner. The post mortem report shows that the deceased died due to the effects of gunshot injury.

Considering all aspects of the matter, we are not inclined to allow the petitioner's prayer for bail, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1755 of 2024 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)