

CRM (DB) 2472 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the BNSS in connection with **Raiganj Police Station** Case No. **1280 of 2023** dated **04.12.2023** under Section **302/120B/34** of the Indian Penal Code read with Sections 25(i)(a)/27/35 of the Arms Act.

- A n d -

In the matter of : Soleman Ahammed alias Md. Soleman

.... Petitioner.

Mr. Bidyut Kiran Mukherjee,
Mr. Ganga Prasad Mukherjee,
Mr. A. Kundu,

... For the Petitioner.

Mrs. Minoti Gomes,
Mr. A. Bhattacharyya,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Learned Counsel for the petitioner submits that the petitioner is in custody for 293 days. Another accused has been granted bail by this Court and as the present petitioner was not present at the place of occurrence at the time of committing the alleged offence, he may be enlarged on bail on any condition.

2. Learned Counsel for the State opposes the bail prayer. According to him, the present petitioner was the instigator who abetted the crime and as per his instigation the petitioner's son shot the victim. There are sufficient incriminating materials against him.

3. We have gone through the order dated 24.04.2024 in connection with CRM (DB) 1271 of 2024 wherein this court rejected the petitioner's prayer for bail on the ground that there are clinching evidences against the present petitioner.

4. We have also considered the 164 statement of the witnesses as well as other materials on record. There are sufficient incriminating materials against the present petitioner and furthermore, several other accused persons are absconding.

5. In view of the above, we are not inclined to enlarge the petitioner on bail.

6. CRM (DB) 2472 of 2024 is, thus, dismissed.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)