

08.01.2024
Sl. No.19
akd
[Rejected]

C. R. M. (DB) 4631 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.11.2023 in connection with Murshidabad Police Station Case No.67 of 2023 dated 25.01.2023 under Sections 302/120B/34 of the Indian Penal Code. (G.R. Case No.243 of 2023)

And

In Re: ***Safiar Hossain & Anr.***

... .. Petitioners

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Ranadeb Sengupta

... .. for the petitioners

Mr. Soumen Chatterjee
Mrs. Karabi Roy
Mr. H. Rahaman
Ms. Tithi Paul

... .. for the de-facto complainant

Mr. Debasish Roy .. Id. Public Prosecutor
Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Mainak Gupta

... .. for the State

1. It is submitted on behalf of the petitioners that there is no direct evidence that they had committed the murder. Co-accused viz. GM Sk. has been enlarged on bail. Accordingly, they renew their prayer for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits statements of witnesses show petitioners and others had conspired to murder the victim. They were seen before and after the incident near the place of occurrence. On their leading statement firearm used to commit the murder was recovered.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record. Statements of witnesses show petitioners and others had conspired to murder the

victim. They were seen prior to the incident and thereafter near the place of occurrence. Though GM Sk. was also seen with the petitioners, no firearm was recovered from his possession. Weapon of offence was recovered from the petitioners. FSL report shows that the bullet recovered from the body of the deceased matched with the bullets fired from the seized firearm in the laboratory. These clinching materials prima facie establish complicity of the petitioners in the murder. They do not stand on the same footing with co-accused viz. GM Sk. who has been enlarged on bail. Accordingly, we are not inclined to grant bail to the petitioners at this stage.

5. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)