

05.01.2024.
36.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4863 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Titagarh P.S. Case No.548 of 2020 dated 05.10.2020 under Sections 120B/302/201/212/34 of the Indian Penal Code and under Sections 25/27 of the Arms Act.

In the matter of : **Roshan Kumar Yadav @ Raushan Kumar Yadav @ Tatya.**
... Petitioner.

Mr. Somopriyo Chowdhury,
Mr. Dipayan Dan.

...for the Petitioner.

Ms. Zareen N. Khan,
Sk. Arif Hossain.

...for the State.

1. Petitioner is in custody for three years and four months. He submits he is not the principal assailant. Co-accused viz., Ersad Ali @ Irshad Ali @ Gulab, Nasir Ali Mondal @ Nazir Khan and Khurram Khan @ Md. Ahtasham have been enlarged on bail. Accordingly, he prays for bail.

2. Learned Advocate for State opposes the bail prayer.

3. Petitioner is a sharp shooter. He was present at the place of occurrence. He has been identified in course of T. I. Parade. Co-accused who have been granted bail viz., Ersad Ali @ Irshad Ali @ Gulab, Nasir Ali Mondal @ Nazir Khan and Khurram Khan @ Md. Ahtasham have not been identified as persons who were present at or near the place of occurrence. Hence, petitioner cannot claim parity with them.

4. In view of the aforesaid facts and the gravity of the offence, we are not inclined to grant bail to petitioner at this stage.

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

6. Trial court is directed to consider the issue for framing of charge at the earliest, in the event the accused cannot be produced in person they may participate in the proceeding through video linkage.

7. Parties shall communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)