



further pointed out that the co-accused have been released on bail and the trial Court granted bail to them immediately within two weeks after their arrest. He further argues that as the charge-sheet has already been filed, further custody of the applicant is not required in the present matter.

4. On the other hand, the learned APP strongly opposed the application and points out that in the present case, the applicant used a firearm and a bullet was recovered. It is submitted that there is an ample evidence available on record including CCTV footage which *prima facie* connects the applicant with the alleged offence. It is submitted that there are antecedents including the offence under section 302 of IPC. Moreover, it is submitted that, the applicant was absconding for 1 and ½ years. Accordingly, he prays for rejection of the bail application.

5. The learned counsel for the complainant reiterates the submission of the learned APP and prays for rejection of the present bail application.

6. The learned counsel for the applicant in reply submits that there are no antecedents as in two cases the applicant has already been acquitted. He further points out that the applicant was not absconding but he moved the application for anticipatory bail and same was withdrawn on 25.09.2023 and on the same day, he surrendered to the police. However, the police created a picture of arrest.

7. In light of the rival submissions, I have gone through the charge-sheet.

8. The CCTV footage and the statement of the complainant show that a firearm alleged to have used by the applicant. From the statements of some of the witnesses it has come on record that the applicant is known in the locality where the incident took place for his terror. Therefore, though it is the submission of the learned counsel for the applicant that because a person in the CCTV was wearing a cap and the face was covered by a handkerchief, it was difficult for anybody to identify the said argument, at this stage cannot be accepted.

9. In the circumstances, having found that there is sufficient incriminating material available on record to show the *prima facie* involvement of the applicant in the alleged offence, I am not inclined to grant bail. Accordingly, it is rejected.

(ANIL S. KILOR, J)