

27.03.2025
Item no. 32.
Court No.29.
AB
(Rejected)

CRM (DB) 270 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mahisadal P.S. Case No.418 of 2024 Dated 23.09.2024 under Sections 109/115(2)/118(2)/309(4)/309(6) of the B.N.S. 2023

And

In the matter of : Sk. Musaraf @ Sk. Musharaf

.....Petitioner.

Mr. Navanil De,
Mr. Subhrajit Deyfor the Petitioner.

Mr. R. Nandy, Id. APP
Ms. Sreemoyee Royfor the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner has submitted that the present petitioner is similarly circumstanced with a co-accused person, namely, Sk. Samsuddin, who has been enlarged on bail by this Bench on February 19, 2025. As the investigation is complete, there is no need for further custodial detention of the petitioner.
2. Learned Counsel for the State vehemently opposes the prayer for bail. According to him, the present petitioner is not similarly circumstanced with the co-accused Sk. Samsuddin, who was enlarged on bail on certain conditions. Several incriminating materials have been recovered from the possession of the petitioner and further, he has several criminal antecedents. If the petitioner is enlarged on bail, the prosecution may suffer.

3. We have considered the materials on record. We have also found that as per the seizure list, several incriminating materials have been recovered from the petitioner. Moreover, the report submitted by the State shows that the present petitioner is a habitual offender and has criminal antecedents.
4. In view of the aforesaid, we are of the view that the petitioner is not similarly circumstanced with Sk. Samsuddin and hence, we are not inclined to allow his prayer for bail, at this stage.
5. The prayer for bail is rejected.
6. CRM (DB) 270 of 2025 is 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.)