

17.06.2025

18
jb.
jdt.

C.R.M. (DB) 1047 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Raghunathganj Police Station Case No. 570 of 2023 dated 10.07.2023 under Sections 143/341/325/326/307 of the Indian Penal Code and added Section 302 of the Indian Penal Code.

And

In Re : Ajim Sk.

Mr. Pritam Roy
Ms. Arushi Rathore
Ms. Triparna Roy

... For the Petitioner.

Faria Hossain
Mr. Dattatreya Dutta

... For the State.

The petitioner is in custody for 1 year and 11 months and prays for bail. Learned counsel for the petitioner submits that the injury reports of two injured persons demonstrate that they visited the hospital at 9.23 am after the incident occurred at 8.30 am. Fact remains that the alleged incident occurred at 10 am and it was not possible for the injured to visit the hospital prior to the incident. Also, two cases being no. 570 of 2023 (the present case) and 569 of 2023 pertain to the same incident though two separate FIRs have been lodged.

Learned counsel for the State opposes the prayer.

I have perused the material on record.

FIR in case no. 569 of 2023 pertains to an incident of 8th July, 2023 at about 8.30 am wherein one person succumbed to the injuries inflicted upon him. The FIR with regard to the present matter is in respect of an incident of the same date which

occurred at about 10 am. Herein two persons were injured and the third succumbed to his injuries. True, the injury reports annexed to the application refers to the alleged incident which occurred at about 8.30 am despite the fact that in the incident which occurred at 8.30 am only one person was injured who succumbed to the injuries. The injured Setabul Sk and Abul Kashim were injured in connection with the present case. The present incident occurred at about 10 am. It is not clear as to how the said injured were treated at the hospital at 9.23 am for injuries which were sustained at around 10 am on the same date. Besides the said anomaly, record reveals that the petitioner has been named as one of the assailants by witnesses in their statement recorded under Section 164 of the Code of Criminal Procedure. The offending weapons have been seized at the instance of the petitioner. Six of the co-accused are still absconding. Conviction, if any, shall attract mandatory life imprisonment.

Considering the material on record prima facie connecting the petitioner to the alleged incident, the prayer for bail is rejected at this stage.

The application for bail is disposed of.

Case diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)