

23.04.2025

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jb.
jdt.

C.R.M. (M) 78 of 2025

In Re : An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Narkeldanga Police Station Case No. 101 of 2024 dated 02.05.2024 under Sections 302/34 of the Indian Penal Code

And

In Re : Md. Ashraf @ Chunnu

... Petitioner.

Mr. Angshuman Chakraborty
Mr. S. S. Saha

... For the Petitioner

Mr. Ranadeb Sengupta
Ms. Suchismita Dutta

... For the State.

Mr. Ritzu Ghosal
Mr. Abhra Jena
Mr. Anirban Ghosh

... For the *Defacto* Complainant

The petitioner seeks parity with four other co-accused who were granted bail earlier.

Learned counsel for the petitioner submits that the petitioner is in custody for about a year and no specific overt act has been attributed to him by the witnesses.

Learned counsels for the State and *defacto* complainant oppose the prayer.

It is a fact that four other co-accused have been granted bail by this Court earlier. Learned counsel for the *defacto* complainant submits that cancellation of bail in respect of three of the co-accused is being filed. The petitioner is identified in test identification parade by the auto driver. The petitioner was seen to be a part of the gang and carrying one of the offending weapons while approaching

the victim and threatening to murder him. Trial has commenced and out of 35 witnesses 1 witness has been examined. The petitioner cannot be said to be similarly circumstanced with other co-accused who have been granted bail. Release of the petitioner on bail at this stage may result in intimidation of witnesses and tampering with evidence.

Considering the material on record as well as the *prima facie* involvement of the petitioner in the alleged offence, 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.)