

23.07.2025

Item No.70

Ct.No.34

rc.

Reject

C.R.M. (M) 947 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kankartala Police Station Case No. 23 of 2025 dated 22.02.2025.

And

In Re : **Sk. Akbar**

... Petitioner

Mr. Ayan Bhattacharjee

Mr. Kunal Ganguly

... for the Petitioner

Mr. Koushik Kundu

Mr. Kaustav Banerjee

... for the State

Learned counsel for the petitioner submits that the petitioner is in custody for about five months. He has not been named by the victim in his dying declaration which was videographed. He prays for bail. Learned counsel takes this Court to the criminal antecedents of the victim.

Learned counsel for the State opposes the prayer.

I have considered the material on record. It is a fact that the petitioner is not named by the victim in his dying declaration. However, one eye witness who was accompanying the victim at the relevant time has named the petitioner in his statement recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The case is about to be committed. The petitioner is in custody for five

months. Offence, if proved, shall attract mandatory punishment for life imprisonment.

Considering the material on record and prima facie connection of the petitioner to the alleged offence, prayer for bail is rejected at this stage.

The bail application is disposed of.

Case Diary is 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.)