

4.
14-01-2025
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 3370 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliganj Police Station Case No.449 of 2024 dated 02-06-2024 under Sections 341/143/302 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Nasimuddin Mondal @ Nasim

.... Petitioner.

Mr. Sekhar Basu, Sr. Adv.,
Mr. Sabir Ahmed,
Mr. Dhiman Banerjee

... For the Petitioner.

Mr. Debasish Roy, learned Public Prosecutor,
Mr. Arijit Ganguly,
Mr. Koushik Kundu

... For the State.

Dictated by Apurba Sinha Ray, J.

1. Mr. Basu, learned Senior Advocate, appearing for the petitioner, submits that the petitioner is in custody for about seven months. Though he was in the alleged unlawful assembly, but he did not shoot the victim at the relevant point of time. The statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure only show that he was in the alleged unlawful assembly at the time of occurrence. Considering his period of detention and further considering the fact that the investigation is complete, he may be enlarged on bail on any condition.

2. Learned Public Prosecutor has raised vehement objection to the prayer for bail. According to him, there are sufficient incriminating materials against the petitioner. The learned trial Court is going to frame charge against the

petitioner along with others within a very short span of time. The petitioner had an active role to play in the premeditated plan to commit murder of the victim.

3. We have considered the material on record. We find sufficient incriminating materials against the present petitioner. As the proceedings of the instant case is not suffered by any cause of delay, we are not inclined to allow the prayer of the petitioner for bail, at this stage.

4. The application for bail is, thus, **dismissed**.

5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

6. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)