

D/L31

14.02.2025
Rohit
ct.no.26

C.R.M. (DB) 3690 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Garden Reach Police Station Case No. 64 of 2024 dated 06.04.2024 under Sections 302/324/34 of the Indian Penal Code.

And

In Re: **1. Md. Jawed**
2. Md. Shamsheer @ Zeeshan

...Petitioners

Mr. Anirban Dutta
Mr. S. Abedin
Ms. Chitra Abedin
Ms. Pooja Singh

...for the petitioners

Mr. Madhusudan Sur, Ld. A.P.P
Ms. Jonaki Saha

...for the State

1. Petitioner prays for bail.
2. Learned Advocate appearing for the petitioner submits that the petitioners are in custody for 312 days. Wives of the petitioners were granted anticipatory bail by the Co-ordinate Bench on October 1, 2024 passed in CRM (A) 3521 of 2024. Moreover, prosecution is to examine thirty witnesses out of which only one was examined.
3. Learned Advocate appearing for the State points out that, there are eye-witnesses accounts which implicate both the petitioner in murder. Moreover, he points out that the petitioner no.2 was

identified in the Test Identification Parade. The petitioners were apprehended from the State of Bihar as they were absconding.

4. Petitioners before us stand implicated in murder.
5. The wives of the petitioners were enlarged on anticipatory bail by the Co-ordinate Bench considering their role in the incident. So far as the petitioners are concerned, they stand on absolutely different footing as that of the wives of the petitioners. Moreover, there is an issue of absconsion as they were apprehended from the State of Bihar.
6. Desirability of enlarging the petitioners on bail at this stage does not exists.
7. In such circumstances, we are not inclined to grant bail to the petitioners.
8. Prayer for bail of the petitioners is **rejected**.
9. **C.R.M.(DB) No. 3690 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)