

D/L34

14.02.2025
Rohit
ct.no.26

C.R.M. (DB) 3700 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nakashipara Police Station Case No. 65 of 2021 dated 13.02.2021 under Sections 341/324/325/326/307/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

And

In Re: **1. Fakir Sekh**
2. Sahajaddin Sk @ Sekh

...Petitioners

Mr. Khalid Hasan

...for the petitioners

Mr. Soumik Ganguly
Mr. Arka Chakraborty

...for the State

1. Petitioner renews the prayer for bail.
2. Learned Advocate for the petitioner submits that co-accused were enlarged on bail. He draws the attention of the Court to such orders. He further points out that, the petitioner is in custody for three years eleven months. All the prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon.
3. Learned Advocate appearing for the State submits that there are differences between the co-accused who were enlarged on bail by the Co-ordinate

Bench and the petitioner before us. He submits that petitioner has an active role in the murder.

4. The Trial is in progress. Out of fifteen prosecution witnesses, which the prosecution intends to examine at the trial, we are informed that eight witnesses were already examined.
5. Between the petitioner and the other co-accused, there appears to be differences. Petitioner apparently played an active role in the murder.
6. In such circumstances, we are not inclined to grant bail to the petitioners.
7. Prayer for bail of the petitioners is **rejected**.
8. **C.R.M.(DB) No. 3700 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)