

05.03.2025
Item No. 11
Court No. 26
CHC
Rejected

CRM (DB) 4015 of 2024

In re : An Application under Section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bhagwangola** Police Station Case No. **362** of **2024** dated **12.07.2024** under Sections **126(2)/115(2)/117(2)/118(2)/109/103(1)/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

-And-

In the matter of : **Abdul Basir @ Basiruddin Sk @ Basir Sk**
... ..**Petitioner**

Mr. Soumyajit Das Mahapatra, Advocate
Md. G. N. Imrohi, Advocate
... .. For the Petitioner

Mrs. Faria Hossain, Ld. A.P.P.
Mr. Amanul Islam, Advocate
... ..For the State

1. Report as called for by the order dated February 17, 2025 filed in Court be taken on record.
2. Prayer of bail of the petitioner is on the ground of the petitioner being physically challenged. Relying upon the disability certificate it is the contention of the petitioner that, petitioner suffered from 80% disability. By reason of such disability of the leg, petitioner is not in a position to stand up. The fatal blow was on the head of the deceased. Given the physical disability certificate of the petitioner, petitioner was not the person who inflicted such blow on the head of the deceased.
3. Learned Additional Public Prosecutor submits that, eyewitnesses implicate the petitioner in the murder.

Eyewitnesses saw the petitioner to participate actively in the assault leading to the murder.

4. We called for a report from the State on February 17, 2025 as to the claim of physical disability of the petitioner.
5. Report submitted in Court be taken on record. The opinion of the Doctor with regard to the physical disability is that, the petitioner suffers from Congenital talipes equinovarus (CTEV). Medical opinion is that neglected CTEV is a type of permanent physical impairment. The maximum percentage entitled for CTEV (B/L) is 80%. However, the Doctor who gave such medical opinion is of the view that, actual percentage of disability of the petitioner could not be ascertained without physical appearance of the petitioner.
6. Petitioner stands implicated in murder. The physical impairment that petitioner speaks of, may not be a complete impediment in the petitioner participating in the assault of inflicting blow on the deceased.
7. Considering the materials on record, we are not inclined to grant bail to the petitioner.
8. Prayer for bail of the petitioner is **rejected**.
9. CRM(DB) 4015 of 2024 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)