

18.02.2025

DL-66

Court No.26

CRM (DB) 4117 of 2024

*(Bail **Rejected**)*

(AD)

In re : An Application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 in connection with **Sagarpara** Police Station Case No.**211** of **2023** dated **18.07.2023** under Sections **341/326/307/34** of the Indian Penal Code, 1860 and adding Section **302** of the Indian Penal Code corresponding to G.R. Case No.3289/2023, which is pending before the Learned Chief Judicial Magistrate, Berhampore, Murshidabad.

-And-

In the matter of : Sainul Sk. @ Sekh

... ..Petitioner

Md. Abdur Rakib, Advocate

... .. For the Petitioner

Ms. Faria Hossain, Ld. APP

Mr. Sandip Kundu, Advocate

... ...For the State

1. Petitioner prays for bail.
2. Learned Advocate appearing for the petitioner submits that the petitioner is in custody in excess of one year six months. He submits that, there is contradiction between the First Information Report and the statements allegedly recorded under Sections 161 and 164 of the Code of Criminal Procedure.
3. Learned Advocate appearing for the State draws the attention of the Court to the statements recorded under Sections 164 and 161 of the Code of Criminal Procedure.
4. Police filed charge sheet.

5. Charge sheet, *inter alia*, under Section 302 of the Indian Penal Code as against the petitioner.
6. Materials on record suggest that the victim prior to his death confided in his wife that the petitioner murdered him. One eye-witness tends to corroborate such statement of the wife of the victim.
7. Considering the gravity of the offence, the involvement of the petitioner therein and the period of detention, we are not inclined to grant bail to the petitioner.
8. Accordingly, the prayer for bail of the petitioner is **rejected**.
9. **CRM (DB) 4117 of 2024** is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)