

**29.12.2023**

Court No.8  
Item. 01

(Suvendu/Sandip)

**CRM(DB) 4837 OF 2023**

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Bishnupur Police Station Case No. 386 of 2023 dated 20.05.2023 under Sections 302/201/120B of the Indian Penal Code and Sections 25(i)(a) /27 of the Arms Act subsequently charge-sheeted under Sections 302/201/120B of the Indian Penal Code corresponding to B.G.R.Case No. 2272 of 2023 and S.C. Case No. 34 (08) of 2023.

And

In the matter of: Aizul Molla @ Aizul Jamadar @ Molla  
. . . . . Petitioner.

Mr. Md. Sarwar Jahan  
Mr. Maidul Islam Kayal  
Mr. Sumit Naskar

For the Petitioner.

Mr. Swapan Banerjee  
Mr. Nirupam Dhali

For the State.

Mr. Sabyasachi Banerjee  
Mr. Abhinav Rakshit

...For the De facto Complainant.

1. The learned counsel for the petitioner submits that the petitioner has been falsely implicated and there is no incriminating statement against the petitioner under Section 164 Cr.P.C. He further submits that the petitioner is in custody for 221 days. Considering such facts, learned counsel prays for bail.
2. The learned Public Prosecutor vehemently opposes the prayer for bail and submits that this petitioner is the mastermind of the alleged

crime. He draws attention to this Court on the statements made under Section 161 Cr.P.C.

3. The Case Diary has been produced and on perusal of the Case Dairy and going through the statements recorded under Sections 161 and 164 Cr.P.C, this Court finds there is *prima facie* involvement of the petitioner in this heinous offence.
4. Considering the gravity of the offence and the facts that the charge-sheet has already been submitted and January 19, 2024 is fixed for framing of charges, the prayer for bail is rejected at this stage.
5. CRM(DB) 4837 of 2023 is accordingly rejected in terms of the above.

**(SUPRATIM BHATTACHARYA, J.)**

**(HIRANMAY BHATTACHARYYA, J.)**