

23.03.2021

Item No.103

Ct.No.28

dc.

Rejected

C.R.M. 1073 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Hariharpara P.S. Case No. 33 of 2020 dated 01.02.2020 under Sections 341/325/307/506/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code (G.R. No. 357/2020).

And

In Re : **Bojlur Rahaman Mondal @ Bajlur Rahaman Mondal**

... Petitioner.

Mr. Kingsuk Mondal

... For the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De

... For the State.

This is an application for bail in connection with Hariharpara P.S. Case No. 33 of 2020 dated 01.02.2020 under Sections 341/325/307/506/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code at the behest of the petitioner.

The learned advocate for the petitioner submits that the petitioner is in custody for about 380 days and the other accused being his wife has been enlarged on anticipatory bail. The learned advocate submits that considering the period of detention of the present petitioner, he may be released on bail on any stringent condition.

The learned advocate for the State opposes the prayer for bail and submits that it was this petitioner who assaulted the deceased with iron rod resulting in death of the victim.

We have perused the statement of the witnesses, the *post mortem* report and the other materials available in the case diary. Having regard to the materials so available, we are of the opinion that the petitioner is not on the same footing with that of the other accused who has been granted anticipatory bail in CRM 6733 of 2020. As such, the petitioner's prayer for bail is **rejected**.

The application for bail, being CRM 1073 of 2021, is, thus, dismissed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)