

28.06.2021

Court No.28
Item No.29
(Rejected)

Akd
&
As

CRM 2601 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Ashoknagar Police Station Case No. 186 of 2020, dated 13.03.2020 under Sections 376D/323/506 of the Indian Penal Code (G. R. Case No. 39 of 2020).

And

In the matter of : **Rabiul Mondal @ Babusona & Anr.**
...Petitioners

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick.

...For the Petitioners

Mr. Swapan Banerjee,
Mr. Suman De.

...For the State.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Ashoknagar Police Station Case No. 186 of 2020 under Sections 376D/323/506 of the Indian Penal Code.

This is a renewal of prayer for bail at the instance of the petitioners. The earlier application, being CRM 7197 of 2020 was rejected by this Court on 1st October, 2020. A plea has been taken that one of the co-accused, namely Md. Abdul Halim, has already been granted bail by this Court and the petitioners standing on the same footing should also be treated equally.

We have perused the order dated 24th July, 2020 passed in CRM 4380 of 2020 with CRAN 2546 of 2020; wherein the Co-ordinate Bench has categorically recorded that the petitioner does not stand on the same footing that of the other co-accused. Thus we do not find that the persons, who have been granted bail, stand on the same footing that of the petitioners. We do not also find any changed circumstances warranting release of the petitioners on bail.

Accordingly, the prayer for bail of the petitioners is rejected.

However, the Court below is requested to expedite the case.

The application for bail, being CRM 2601 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Subhasis Dasgupta, J.)