

28.06.2021

Court No.28
Item No.33
(Rejected)

Akd
&
As

CRM 2622 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Raiganj Police Station Case No. 493 of 2020, dated 05.07.2020 under Sections 302/34 of the Indian Penal Code (G. R. Case No. 1076 of 2020).

And

In the matter of : **Ukil Ali**

...Petitioner

Mr. Anindya Ghosh,
Mr. Sudip Guha.

...For the Petitioner

Mr. Rana Mukherjee,
Ms. Sujata Das.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Raiganj Police Station Case No. 493 of 2020 under Sections 302/34 of the Indian Penal Code.

It is no doubt true that the entire case depends on circumstantial evidence and precisely for such reason the learned Advocate for the petitioner is taking shelter on the ground of parity. According to him, the co-accused, namely Md. Jinnat Babul Islam, has already been granted bail in CRM 10766 of 2020 on 3rd February, 2021.

We have perused the findings recorded by the Co-ordinate Bench; wherefrom it appears that the witnesses have named the said petitioner, but there was no other incriminating material found against the said petitioner. However, our attention is drawn to the seizure list, wherefrom it appears that the offending weapon, i.e. an iron made knife containing the stain of blood, was recovered on the leading statement of the present petitioner.

In view of the above, we do not think that this is a fit case,

where the petitioner should be treated at par with the other co-accused.

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

The application for bail, being CRM 2622 of 2021, is thus **dismissed**.

(Harish Tandon, J)

(Subhasis Dasgupta, J.)