

24.09.2021
tkm/ct 29
sl no. 43

**C.R.M. 3342 of 2021
(Via Video Conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Karimpur P.S case no. 243 of 2020 dated 11.10.2020 under sections 302/120B/201/34 of the IPC
And

In Re : Mustakein Sk @ Molla petitioner

Mrs. Karabi Roy
..... for the petitioner

Mr. B K Roy
Ms. Sima Biswas
..... for the State

Petitioner seeks bail.

Learned advocate for the petitioner submits that the petitioner was falsely implicated in the instant case. In any event, two other co-accused persons were granted bail by the Juvenile Justice Board. Considering the length of detention of the petitioner, the prayer for bail should be granted.

Learned advocate for the State opposes the prayer for bail and submits that the petitioner cannot claim parity with that of two other co-accused who were granted bail by the Juvenile Justice Board primarily on the ground that since two other co-accused were juvenile therefore they were granted bail by the Juvenile Justice Board. She submits that the deceased was last seen with two other co-accused and the petitioner. She draws the attention of the Court to the contents of the case diary and the statement recorded under section 164 Cr.P.C.

Considering the fact that two other co-accused are juvenile, we are unable to hold that the petitioner stands on the same

footing as that of the co-accused who were granted bail by the Juvenile Justice Board.

Considering the materials in the case diary and considering the statement recorded under section 164 Cr.P.C, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)