

30.07.2021

Court No.28
Item No.27
(REJECTED)

Ab

CRM 3433 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 16.04.2021 in connection with Bhimpur Police Station Case No. 267 of 2020 dated 25.10.2020 under Sections 341/325/326/307/302/34 of the Indian Penal Code;

And

In the matter of : **Badrinath Ghosh @ Bhutta.**

...Petitioner.

Ms. Karabi Roy.

...For the Petitioner

Mr. Swapan Banerjee,
Mr. Suman De.

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhimpur Police Station Case No. 267 of 2020 under Sections 341/325/326/307/302/34 of the Indian Penal Code.

The petitioner says that the instant case has been lodged as counter blast to the case lodged by his mother against the deceased and other family members. It is submitted that the similarly circumstanced person has already been enlarged on bail by this Court in CRM 1353 of 2021 on 25th March 2021.

The State opposes the prayer for bail and invited our attention to the dying declaration of the deceased.

We had an occasion to peruse the reasons recorded in the order granting bail to the other co-accused, namely, Nagen @

Nagendranath Ghosh, wherein it transpires that the bail was granted considering his age, as he was found septuagenarian. If such being the consideration for grant of the bail, we do not think that the petitioner can seek parity on such ground.

We had an occasion to peruse the dying declaration of the deceased disclosing the complicity of the petitioner to the alleged offence and, therefore, we do not feel that it is a fit case where the petitioner should be enlarged on bail.

The application for bail, being CRM 3433 of 2021, is thus **rejected.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)