

66. 19.08.2021
Ct.32
Tanmoy
Rejected

C.R.M. 3967 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **07/06/2021** in connection with **Tehatta Police Station Case No. 366/2020** dated **06/09/2020** under Sections **302/34** of the Indian Penal Code.

And

In the matter of: - **Biswanath Mondal & Ors.**

....petitioners.

Mr. Sekhar Kumar Basu, Ld. Sr. Adv.,
Mr. Asraf Mandal

...for the petitioners.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dipankar Paramanick

...for the State.

The allegation against the petitioners is under Sections 302/34 of the Indian Penal Code. Learned Senior Counsel for the petitioners submits that bail prayer for petitioner nos. 3 and 4 was rejected by a co-ordinate Bench of this Court by an order dated March 3, 2021 in C.R.M. 491 of 2021. These petitioners renew their prayer for bail. Learned Senior Counsel submits that the petitioners are brothers/cousins of the victim and they have been falsely implicated due to a property dispute between the parties. They have no involvement in the alleged offence.

Learned Counsel for the State opposes the prayer for bail and refers to statements of witnesses in the Case Diary recorded under Section 161 of the Code of Criminal Procedure and also the post mortem report of the victim.

We have considered the material in the Case Diary. Prayer for bail of petitioner nos. 3 and 4 was rejected upon consideration of the alleged involvement of these petitioners as recently as on March 3, 2021. Petitioner nos. 1, 2 and 5 appear to be similarly circumstanced with petitioner nos. 3 and 4 whose bail prayer was rejected earlier. Having considered the said fact as also the material in the Case Diary *prima facie* suggesting involvement of the petitioners in the alleged offence and also, as petitioner nos. 1, 2 and 5 stand on the same footing as petitioner nos. 3 and 4 and in view of the fact that there is no material change in circumstances which would warrant a favourable order in their favour, we are not inclined to allow the petitioners' prayer for bail at this stage.

Accordingly, the application for bail being C.R.M. 3967 of 2021 is **dismissed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)