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16.11.2021.
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**C.R.M. 5042 of 2021
(via video conference)**

In the matter of: an application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 30.07.2021 in connection with Jamuria Police Station Case No. 427 of 2019 dated 24.11.2019 under Sections 363/365/120B of the Indian Penal Code and adding Sections 302/201 of the Indian Penal Code.

And

In re.: Sk. Enamul. Petitioner.

Mr. Sujoy Sarkar. ... for the petitioner

Mr. Madhusudan Sur, ld. APP,
Mr. Dipankar Paramanick. ... for the State.

The petitioner seeks anticipatory bail largely on the ground of parity with the other co-accused granting anticipatory bail by an order dated March 19, 2021 in C.R.M. No. 11240 of 2020.

Learned Advocate for the State draws the attention of this Court to the contents of the case diary. He submits that the petitioner was named in the First Information Report and the name of the petitioner transpired as the person with whom the deceased was last seen together, from the statements recorded under Section 161 of the Code of Criminal Procedure.

The order dated March 19, 2021 granting anticipatory bail to the co-accused was on the ground that the name of the co-accused was not in the First Information Report and that no involvement was found in the case diary of such co-accused.

In the facts of the present case, we find that the petitioner is named in the First Information Report and there are materials in the case diary as against the petitioner including the statement recorded under Section 161 of the Code of Criminal Procedure.

Consequently, the petitioner cannot be said to be standing on the same footing with the co-accused granted anticipatory bail on March 19, 2021.

Considering the materials in the case diary and the gravity of the offence and considering the involvement of the petitioner therein, we are not inclined in granting anticipatory bail to the petitioner.

C.R.M. No. 5042 of 2021 is rejected.

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

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)