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(AD) 08.12.2021

Court No.28

(Rejected)

C.R.M. 6123 of 2021
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.09.2021 in connection with **Murshidabad** P.S. Case No.**158/20** dated **07/05/2020 (G.R. No.1257/20)** under Sections **341/326/307/302/34** of the Indian Penal Code.

And

In the matter of: Silon Sk. @ Shilan Sk. @ Silon Saikh
....petitioner.

Mr. Ayan Bhattacharyya
Mr. Mir Anowar

...for the petitioner.

Mr. Swapan Banerjee
Mr. Suman De

... for the State.

Petitioner renews the prayer for bail. He submits that co-accused persons have been granted pre-arrest bail. Incident occurred in the course of a free fight. Case and counter-case have been registered.

Learned Advocate appearing for the State opposes the prayer for bail. He submits that the petitioner is the principal accused and his prayer for bail was rejected in August, 2021 by this Court.

We have considered the materials on record. Petitioner appears to be the leader of the mob who assaulted the victim resulting in his death.

In view of the aforesaid fact, we are unable to grant bail to the petitioner on principle of parity. Moreover, gravity of the offence, *prima facie* involvement of the petitioner and as his bail prayer was rejected in August, 2021, and there is no change in circumstance since then, do not persuade us to grant bail to the

petitioner on merits at this stage.

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

C.R.M. 6123 of 2021 is, thus, dismissed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)