

10.11.2021
Serial no.9
Ct. No. 29
Aloke

(Through Video Conference)

CRM 6702 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 28.09.2021 in connection with Moyna P.S. Case No. 235 of 2019 dated 14.10.2019 under Sections 302/120B of the Indian Penal Code.

-And-

In the matter of : Dhruba Rout @ Dhruba Routh
@ Dhrubacharan Routh
... ..Petitioner

Ms. Minoti Gomes, Advocate
Mr. Rajkumar Sain, Advocate
... .. For the Petitioner

Mr. Madhusudan Sur, Id. APP
Mr. Dipankar Paramanick, Advocate
... ..For the State

The prayer for bail on behalf of the petitioner is made inter alia on the ground of parity along with other co-accused who were granted bail as also the period of detention.

Learned Advocate appearing for the petitioner submits that the petitioner can justifiably claim parity with Anup Kumar Mondal, Gopal Chandra Mondal @ Jamai @ Gopal Chandra Mondal Das and Bijoy Bhunia who were granted bail by the Coordinate Bench.

Learned Advocate appearing for the State draws the attention of the Court to the statement recorded under Section 164 of the Criminal Procedure Code. He submits that the present petitioner and Khokan Khutia are the persons among others who were named in the statement recorded under Section 164 of the Criminal Procedure Code. The prayer for bail of Khokan Khutia was rejected by the Coordinate Bench. He contends that the

petitioner cannot claim parity with the other accused who were granted bail.

Considering the materials in the case diary and considering the statement recorded under Section 164 of the Criminal Procedure Code, we are of the view that the petitioner does not stand on the same footing as that of the persons named on behalf of the petitioners who were granted bail. Rather the petitioner stands on the same footing as that of Khokan whose prayer for bail was rejected.

The prayer for bail of the petitioner is rejected.

CRM 6702 of 2021 is dismissed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)