

08.11.2021
tkm/ct 28
sl no. 116

C.R.M. 7043 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kushmandi P.S case no. 26/2020 dated 7.3.2020 under sections 302/201/120B of the Indian Penal Code

And

In Re : Buyali Kalandar Ali & Anr. petitioners

Mr. A Kr Chakraborty
Mr. S K Bhattacharyya
Mr. S Burman

..... for the petitioners

Mr. M Sur
Mr. D Paramanick

..... for the State

Petitioners renew their prayer for bail. It is submitted on behalf of the petitioners that they are in custody for one year and eight months. Co-accuseds have been granted bail.

Learned lawyer for the State opposes the prayer for bail and submits that a co-ordinate Bench of this court turned down the prayer of the petitioner and they do not stand on the same footing with the co-accuseds who have been granted bail.

We have considered the materials on record. Body of the deceased was recovered from the septic tanks of the house of the petitioner no. 2. Petitioners do not stand on the same footing with the co-accuseds who have been enlarged on bail. That apart, a co-ordinate Bench of this court turned down the prayer for bail of the petitioners in September 2021. There is no substantial change in circumstances since then. Hence, we are not inclined to grant bail to the petitioners at this stage

Accordingly, the prayer for bail is rejected.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)