

15.11.2021  
410  
Ct. No 29  
**KAUSHIK**  
(REJECTED)

**C.R.M. 7226 of 2021**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Ranitala** Police Station Case No. **181** of **2020** dated **18.04.2020** under Sections 341/325/307/34 of the Indian Penal Code, 1860 and addition Section 302 of the Indian Penal Code, 1860.

And

In Re : Ainul Haque @ Aynul Haque @ Ainul Sk..

..... petitioner

Mr. Tapodip Gupta

.... for the petitioner

Ms. Pramita Banerjee

.... for the de-facto

Mr. Sudip Kumar Ghosh

Mr. Apurba Kumar Dutta

.... for the State

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that, there is a change in circumstance subsequent to the earlier order of rejection of bail. He submits that, Nur Islam, a co-accused, was granted bail by the Coordinate Bench on March 8, 2021 in CRM 748 of 2021. He submits that, the petitioner seeks parity and should be enlarged on bail on the principal of the petitioner standing on the same footing as that of Nur Islam.

Learned advocate appearing for the State submits that, Nur Islam and the petitioner does not stand on the same footing. He draws the attention of the Court to the statement recorded under Section 161 of the Code of Criminal Procedure (Cr. P.C.)

and to the statement recorded under Section 164 Cr. P.C. thereof.

Considering the statements recorded under Section 161 of the Cr. P.C. where the petitioner is named as one of the assailants, we are unable to arrive at a finding that the petitioner is on the same footing as that of Nur Islam, who was granted bail by the Coordinate Bench on March 8, 2021. There is hardly any change in circumstances subsequent to the earlier order of rejection, we are unable to grant bail to the petitioner.

Accordingly, prayer for bail of the petitioner is rejected and the application being CRM 7226 of 2021 is dismissed.

**(Debangsu Basak, J.)**

**(Ananda Kumar Mukherjee, J.)**