

22.11.2021
Ct No. 28
D/L 24
ab/rrc

C.R.M. 7457 of 2021
(Via Video Conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Panskura Police Station Case No. 236/2021 dated 31/05/2021 under Sections 147/149/307/323/379/354B/325/ 302/ 506/34 of the Indian Penal Code read with Section 51B of the National Disaster Management Act, 2005.

In Re: **Sk. Golam Mustafa & Anr.**

... petitioners

Mr. Suman De

... for the petitioners

Mr. Binay Panda
Mr. Subham Bhakat
Ms. Puspita Saha

.... for the State

The learned Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Panskura Police Station Case No. 236/2021 dated 31/05/2021 under Sections 147/149/307/323/ 379/354B/325/ 302/ 506/ 34 of the Indian Penal Code read with Section 51B of the National Disaster Management Act, 2005.

Learned Advocate for the petitioners submits that some of the co-accused have already been enlarged on bail in connection with the aforementioned case and, therefore, the petitioners standing on the same footing should also be treated in the similar manner.

The learned Advocate appearing for the State opposes the prayer for bail. It is submitted that the petitioners' role attributable to the commission of an offence has been disclosed by the eye witness being the sister of the deceased in her statement recorded under Section 164 of the Code of Criminal Procedure. It is further submitted that the persons who have been granted bail, stand on the different footing as that of the petitioners.

After hearing the respective submissions and on perusal of the materials from the case diary including the statement of the so called eye witness, it transpires that the petitioners do not stand on the same footing as that of the other co-accused who have been granted bail. The role attributable to the petitioner in commission of an offence, is similar to one Syed Serajul Islam, whose prayer for bail was rejected by a coordinate Bench of this Court on 5th October, 2021 (CRM 5217 of 2021).

In view of the above, we do not think that the petitioners are entitled to be released on bail. Accordingly, the prayer for bail is rejected.

The application for bail being **CRM 7457 of 2021** is
dismissed.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)