

06.12.2021  
tkm/ct 28  
sl no. 67

**C.R.M. 7891 of 2021**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Tehatta P.S case no. 139 of 2021 dated 24.3.2021 under sections 364A of the IPC, subsequently charge sheet submitted for commission of offences punishable under sections 364A/302/120B/212/34 IPC

And

In Re : Suman Biswas @ Ajay

..... petitioner

Mr. Milon Mukherjee, Sr. Adv.

Mr. Arnab Chatterjee

..... for the petitioner

Mr. N Ahmed

Ms. A Gaur

..... for the State

Petitioner is in custody for 263 days. It is submitted that there is no direct evidence connecting him with the alleged crime. It is further submitted that the principal accuseds are juvenile and are on bail. Owner of the property is also on bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including the statements of the security guard and neighbor of the premises where the incident occurred. Both of them have seen the petitioner in the said building. They have also identified him in the course of TI parade. Proximity of the petitioner with the deceased is prima facie established. Co-accuseds who were released on bail, are juveniles and petitioner cannot claim parity with them.

In view of the aforesaid facts, gravity of the offence and prima facie involvement of the petitioner in the alleged crime, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail is rejected.

**(Bivas Pattanayak, J.)**

**(Joymalya Bagchi, J.)**