

CRM 7949 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Srimanta Santra

.....Petitioner

Mr. Suman Chakraborty

.....for the Petitioner

Mr. Madhusudan Sur, Ld. APP

Mr. Dipankar Paramanick

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Goghat P.S. Case No. 201 of 2020 dated 20.10.2020 under sections 302/34 of the Indian Penal Code.

The learned advocate for the petitioner submits that a co-accused person, namely, Shibe @ Shibu Fauzdar, who is similarly situated with the petitioner, had been enlarged on bail by a coordinate Bench of this Court on 16th August, 2021. On the ground of parity and as the petitioner had already suffered of 108 days, he may be enlarged on bail on any stringent condition, more so when upon completion of investigation charge sheet has also been submitted.

Mr. Sur, learned Additional Public Prosecutor representing the State opposes the petitioner's prayer and draws our attention to the statement of witness as recorded under Section 164 of the Code of Criminal Procedure.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials against the petitioner and he is not similarly situated with Shibe. Overt act has been attributed to him. Considering the seriousness of the offence and its ramifications, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for bail is refused.

The application being CRM 7949 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)