

17.03.2021.
15.
as
(Rejected)

C.R.M. 9579 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala P. S. Case No.108 of 2019 dated 26.03.2019 under Sections 489A/326/307/34 and adding Section 304B of the Indian Penal Code.

In the matter of : Subhankar Biswas.

.... Petitioner.

Mr. Subrata Santra.

...for the Petitioner.

Mr. B. Panda,
Mr. S. Bhakat.

...for the State.

This is an application for bail in connection with Dhantala P. S. Case No.108 of 2019 dated 26.03.2019 under Sections 489A/326/307/34 and adding Section 304B of the Indian Penal Code at the behest of the petitioner.

It is submitted by the learned Advocate appearing for the petitioner that the other co-accused has already been enlarged on bail and the petitioner standing on the same footing is entitled to bail on the ground of parity. It is further submitted that he has been falsely implicated in connection with the instant case and there has been no progress shown in the case.

The learned Advocate appearing for the State opposes the prayer for bail. It is submitted that the petitioner is a prime accused which would be evident from the dying declaration of the victim lady.

After hearing the submissions of the respective Counsels and upon perusal of the materials available from the Case Diary as well as the dying declaration of the victim deceased, we do not think that it is a fit case where the petitioner should be enlarged on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

(Harish Tandon , J.)

(Tirthankar Ghosh, J.)