

11.02.2021
Sl. No.1
Ns ct 4

CRM 10224 of 2020
(Assigned)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habra Police Station Case No.415 of 2018 dated 14.05.2018 under sections 147/148/149/325/326/307/506/34 of IPC and added Section 302 of IPC.

In the matter of: **Pratap Saha @ Pitu** Petitioner.

Mr. Brajesh Jha,
Mr. Vikash Singh,
Mr. Arijit Majumdar,
Mr. Ravi R. Kumar
Mr. Saket Sharma for the petitioner.

Mr. Neguive Ahmed, Id. APP,
Ms. Amita Gour ... for the State.

Mr. Jha, learned advocate appears on behalf of petitioner seeking bail in connection with Habra police station case no.415 of 2018 dated 14th May, 2018 under sections 147/148/149/325/326/307/506 / 34 of IPC and added section 302 of IPC. He submits, Court peruses the case diary as would reveal that petitioner is on same footing as other co-accused who have already been enlarged on bail pursuant to commencement of trial.

Mr. Ahmed, learned advocate, Additional Public Prosecutor appears on behalf of State and opposes. He submits, next date is fixed

on 15th February, 2021. 5 witnesses of 24 have already been examined. Petitioner should not be enlarged on bail.

The petition discloses several orders, by which co-accused have been released on bail pursuant to finding of them standing on same footing. We find, however, a difference so far as petitioner is concerned. His first petition for bail was rejected by order dated 21st August, 2018 upon coordinate Bench observing on considering materials on record that petitioner's name has been stated by eye witnesses as one of whom had assaulted the victim resulting in his death. Subsequently, by order dated 17th August, 2020 another coordinate Bench rejected his petition observing that petitioner is principal accused and does not stand in same footing as other co-accused.

Materials in case diary have already been perused, as aforesaid. The observations stare at the face of petitioner. In view of the same, we do not find change in circumstances. The petition is rejected.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)