

17.03.2021

Item No.31

Ct.No.28

dc.

Rejected

C.R.M. 11044 of 2020

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Dhubulia P.S. Case No. 290 of 2019 dated 16.12.2019 under Sections 341/302/34 of the Indian Penal Code and Sections 25(1)(a)(b)/27 of the Arms Act.

And

In Re : **Santanu Biswas @ Tukai**

... Petitioner.

Mr. Prabir Majumder

... For the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De

... For the State.

This is an application for bail in connection with Dhubulia P.S. Case No. 290 of 2019 dated 16.12.2019 under Sections 341/302/34 of the Indian Penal Code and Sections 25(1)(a)(b)/27 of the Arms Act at the behest of the petitioner.

The petitioner prays for bail on the ground of parity. According to the petitioner, some of the co-accused who are standing on the same footing, have been granted bail and there has been no justification in keeping the petitioner in custody.

The learned advocate appearing for the State opposes the prayer for bail and relies upon the statement of the witness recorded under Section 164 of the Code of Criminal

Procedure and recovery of the firearms was made on the statement of the petitioner.

After considering the respective submissions and upon perusal of the materials, we do not find that the petitioner stands on the same footing as that of the other persons who have been granted bail. There is incriminating materials disclosed in the record and firearms was also recovered at the instance of the petitioner. As such, the petitioner's prayer for bail is **rejected** at this stage.

The application for bail, being CRM 11044 of 2020, is, thus, dismissed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)