

CRM (A) 28 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Pradip Jana**

..... petitioner

Mr. Mrityunjoy Chatterjee
Mr. Saroj Banerjee
Ms. Debapriya Majumder

.....For the petitioner

Mr. Ashok Das

.....For the State

Apprehending arrest in connection with Barasat Police Station Case No. 15 of 2021 dated 08.01.2021 under Sections 306/34 of the Indian Penal Code, the present application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioner at the inception informs this Court that the petitioner earlier preferred anticipatory bail application and the same was dismissed as not pressed on 8th October, 2021. Subsequent thereto, charge sheet has been submitted in the month of December, 2021. The earlier application was not decided on merits and there had been a change in circumstances since subsequently the charge sheet has been submitted. He further submits that co-accused persons similarly situated had been granted anticipatory bail by a coordinate Bench of this Court after the charge sheet was submitted. As such, on the ground of parity and considering the fact that the petitioner is an aged person, he may be granted anticipatory bail on any stringent condition.

Mr. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to statements of witnesses, as recorded under Section 161 of the Code as well as the suicide note. He submits that there are incriminating materials on record against the petitioner and co-accused persons being the wife and the mother-in-law of the deceased, who are similarly situated with the petitioner herein, obtained regular bail.

Upon assessment of the materials in the case diary, it, *prima facie*, appears that the extent of complicity of the petitioner is similar to that of the wife and the mother-in-law of the deceased who were arrested and subsequently, obtained regular bail. In the said conspectus, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for anticipatory bail is refused.

The application being CRM (A) 28 of 2022 is, accordingly, 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.)