

31.01.2022

Sl. 81

Court No.29

suvayan

(Rejected)

C.R.M. (DB) 122 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.01.2022 in connection with **Hili** P.S. Case No. **139 of 2021** dated **10/07/2021** under Sections **393/302/34** of the Indian Penal Code read with Sections **25(i)(a)/27** of the Arms Act.

And

In the matter of: Subrata Mali & Anr.

....petitioners.

Mr. Kaushik Choudhury

...for the petitioners.

Mr. Neguive Ahmed

Ms. Amita Gaur

...for the State.

Petitioners seek bail.

Learned Advocate appearing for the petitioners submits that considering the period of detention of the petitioners and considering the fact that police filed charge-sheet, the prayer for bail should be considered. He submits that the First Information Report was recorded against unknown miscreants. One of the co-accused was granted bail by the co-ordinate Bench. He contends that out of the two petitioners, only the first petitioner was identified in T.I. parade.

Learned Additional Public Prosecutor submits that the person who was granted bail does not stand in the same footing at that of the present petitioner. The first petitioner was identified in the T.I. parade. Recovery of the mobile phone of the victim along with the Toto on which the assailants fled away were recovered from the possession of the petitioner no.2. Consequently, the petitioners cannot claim themselves to be on the same footing as that of the person who was granted bail by the co-ordinate Bench. Such other co-accused assisted the victim and brought her to the hospital.

Considering the gravity of the offence and the involvement of the petitioners therein as appearing from the materials in the case diary, we are unable to grant bail to the petitioners.

Accordingly, the prayer for bail of the petitioners are rejected.

C.R.M. (DB) 122 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)