

15.02.2022

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Ct. No. 29
KAUSHIK
REJECTED

C.R.M. (DB) 321 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chapra** Police Station Case No. **260** of **2021** dated 02.07.2021 under Sections 302/201/120B of the Indian Penal Code.

And

In Re : Sanju Sk & Anr.

..... petitioners

Mr. Angshuman Chakraborty
Mr. Amanul Islam
Mr. Sourav Mukherjee

....for the petitioners

Ms. Trina Mitra

....for the State

Petitioners renew the prayer for bail.

Learned advocate appearing for the petitioner submits that, subsequent to the earlier order of rejection of the prayer for bail on November 25, 2021 in CRM 7634 of 2021, two other co-accused were granted bail on December 8, 2021 in CRM 8067 of 2021 and January 3, 2022 in CRM 8838 of 2021. He submits that the petitioners stand on the same footing as that of the other co-accused were granted bail earlier.

Learned advocate appearing for the State draws the attention of the Court to the statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). She submits that, the two co-accused in their statement specifically named the petitioners and did not stand on the same footing with that of the co-accused granted bail by the Co-ordinate Bench. She

submits that, the trial is in progress and the next date fixed for recording evidence is on February 18, 2022.

The petitioners before us are specifically named in the 164 Cr.P.C. statement. On such ground alone, the prayer for bail was rejected earlier on November 25, 2021. There is no material change in circumstances subsequent thereto warranting grant of bail to the petitioners and particularly since the trial is at the stage of evidence.

Consequently, we are unable to grant bail to the petitioner.

Accordingly, prayer for bail of the petitioner is rejected and the application being CRM (DB) 321 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)