

68 23.03.2022
(AD) Court No.29
(Rejected)

C.R.M. (DB) 361 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Raiganj** P.S. Case No.**817 of 2020** dated **06/10/2020** under Sections **447/325/304/506/34** of the Indian Penal Code vide G.R. Case No.1843/2020 and on completion of Investigation Charge Sheet being No.1056/2020 dated 31.12.2020 under Sections **447/325/302/506 and 34** of the Indian Penal Code was filed on 02.01.2021.

And

In the matter of: Eshaque Ali @ Md. Eshahak @ Eshahak Ali @ Md. Isahak.

....petitioner.

Mr. Sandipan Ganguly
Mr. Raj Kumar Gupta

...for the petitioner.

Mr. Rudradipta Nandy

... for the State.

Mr. Palash Bapari

... for the de facto complainant.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 523 days. Some of the other co-accuseds are absconding. The incident arose out of a boundary dispute.

Learned Advocate appearing for the State submits that the petitioner is named as one of the assailants in the statement recorded under Section 164 of the Code of Criminal Procedure on behalf of the eye-witnesses. He submits that a person

similarly situated as that of the petitioner was denied bail by the coordinate Bench of this Hon'ble Court on December 9, 2021 in CRM 5737 of 2021. The petitioner stands in the same footing as that of such co-accused.

Considering the gravity of the offence and involvement of the petitioner therein as transpiring from the materials available in the case diary including the statement recorded under Section 164 of the Code of Criminal Procedure on behalf of the eye-witnesses, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (DB) 361 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)