

22.02.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M. (DB) 465 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **519 of 2021** dated 06.10.2021 under Sections 364/302/34 of the Indian Penal Code, 1860.

And

In Re : Buli Sardar.

..... petitioner

Mr. Kallol Mondal
Mr. Amanul Islam

....for the petitioner

Mr. Binoy Panda
Ms. Pushpita Saha

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner stands on the same footing as that of the other co-accused, who was granted bail on February 8, 2022 in CRM (DB) 303 of 2022 (In the matter of Subal Chaudhury @ Subol Chowdhury).

Learned advocate appearing for the State submits that, the petitioner cannot claim parity with that of the other co-accused, who was granted bail on February 8, 2022 in CRM (DB) 303 of 2022. She submits that the petitioner is implicated in the statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Learned advocate appearing for the petitioner further submits that, the petitioner is in custody for 137 days. The

police filed charge-sheet. At best, the materials against the petitioner are circumstantial in nature. Therefore, prayer for bail should be considered.

The claim of parity does not have any foundational basis. The petitioner is named in the 164 Cr.P.C. statement while the person who was granted bail in CRM (DB) 303 of 2022 was not named. The accused there was found to frequent the residence of the victim.

Considering the gravity of the offence and the complicity of the petitioner therein as appearing from the materials in the case diary including the 164 Cr.P.C. statement, we are unable to grant bail to the petitioner.

In such circumstances, prayer for bail of the petitioner is rejected and the application being CRM (DB) 465 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)