

09.03.2022
Sl. 50
Court No.29
sourav
(Rejected)

C.R.M. (DB) 664 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **04.03.2022** in connection with **Pingla** P.S. Case No. **129** of **2021** dated **02.05.2021** under Sections **341/302/379/34** of the Indian Penal Code.

And

In the matter of: **Dilip Batul & Anr.**

....petitioners.

Mr. Sabir Ahmed
Mr. Bhaskar Hutait

...for the petitioners.

Mr. Swapan Banerjee
Mr. Suman De

...for the State.

Petitioners renews the prayer for bail on the ground of parity with that of the co-accused granted bail by the co-ordinate bench in **CRM (DB) 141 of 2022** dated February 21, 2022.

Learned advocate appearing for the petitioners submits that the petitioners herein stand on the same footing as that of the other co-accused who was granted bail by the co-ordinate bench. No overt act can be attributed to any of the petitioners. He refers to the statement of the eyewitnesses recorded under Section 164 of the Criminal Procedure Code.

Learned advocate appearing for the State submits that the petitioners cannot claim parity with that of the other co-accused who was granted bail by the co-ordinate bench. Seizures of the weapons used in the murder were made from the petitioners. The iron rod was recovered from the petitioner no. 1 and the bamboo pole from the petitioner no. 2.

The co-ordinate bench granted bail to the co-accused on February 21, 2022 in **CRM (DB) 141 of 2022** did so after finding *prima facie* that no specific overt act was attributed to such accused and that no recovery was made from him.

In the facts of the preset case, recovery of the murder weapons were made from the petitioners. The petitioners are named in the statement recorded under Section 164 of the Criminal Procedure Code.

Consequently, we do not find that the petitioners to be standing in the same footing as that of the other co-accused namely, Mithun Jana who was granted bail by the co-ordinate bench.

In such circumstances, considering the gravity of the offence and the involvement of the petitioners therein, we are unable to grant bail to the petitioners.

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

C.R.M. (DB) 664 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

