

23.03.2022
Sl. 31
Court No.29
sourav
(Rejected)

C.R.M. (DB) 727 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **10.03.2022** in connection with **Karimpur** P.S. Case No. **243** of **2020** dated **11.10.2020** under Sections **302/120B/201/34** of the Indian Penal Code.

And

In the matter of: **Mustakin Molla @ Sk.**

....petitioner.

Mr. Rudradipta Nandy

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP

Mr. Dipankar Paramanick

...for the State.

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that subsequent to the earlier order of rejection dated September 24, 2021 passed in CRM 3342 of 2021, the Sessions Court granted bail to one of the co-accused who was on the same footing as that of the petitioner. Consequently, the petitioner is also entitled to bail on the ground of parity.

Learned advocate appearing for the State submits that the petitioner and the person who was granted bail by the Sessions Court cannot claim parity for the simple reason that, seizure of articles were made from the possession of the petitioner while no such seizure was made from the person granted bail.

Learned advocate appearing for the petitioner submits that excepting the petitioner all other co-accused are on bail.

The petitioner was last seen with the victim. Other co-accused who were also last seen with the victim were granted bail. One of them was granted bail by the Sessions Court on November 16, 2021. However, no seizure was made from such person who was granted bail. Seizure of articles were made from the petitioner herein.

Therefore, we are of the view that the petitioner cannot claim parity with the other co-accused who were granted bail by the Sessions Court.

There is hardly any material change in circumstances subsequent to the earlier order of rejection dated September 24, 2021 passed in CRM 3342 of 2021, we are unable to grant bail to the petitioner.

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

C.R.M. (DB) 727 of 2022 is, thus, dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

