

17.03.2022

Serial no.28

Dd

CRM (DB) 737 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Bhimpur** Police Station Case No. **267** of **2020** dated **25.10.2020** under Sections **341/325/326/307/34** of the Indian Penal Code and subsequently added Section **302** of the Indian Penal Code.

-And-

In the matter of : Mithun Ghosh & Anr. Petitioners

Mr. Anik Ghatak,
Mr. Tanweer Jamil Mondal,
Mr. Nobiul Islam,
Ms. Somashree Dey,
Mr. Fahad Imam, Advocates
... .. For the Petitioners

Mr. Sudip Ghosh,
Mr. Apurba Kr. Dutta, Advocates
... ..For the State

Petitioners seek bail.

Learned advocate appearing for the petitioners submits that the petitioners are in custody in excess of 400 days. He submits that the death was due to stab injuries. The sharp cutting weapon was recovered from the possession of the petitioner no. 1. Therefore, both the petitioners cannot be said to be standing in the same footing so far as the gravity of the offence is concerned.

Learned advocate appearing for the State submits that other co-accuseds who stands in the same footing as that of the petitioners were denied bail by the co-ordinate Bench on three different occasions in view of three separate petitions by three separate co-accuseds being filed.

Considering the gravity of the offence and the involvement of the petitioners therein as transpiring from the materials in the case diary, we are not inclined to grant bail to the petitioners.

Prayer for bail of the petitioners is **rejected**.

CRM (DB) 737 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)