

24.03.2022

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Ct. No 29

KAUSHIK
(REJECTED)

C.R.M. (A) 1379 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nimta** Police Station Case No. **598** of **2021** dated **01.08.2021** under Sections 302/201/120B/34 of the Indian Penal Code, 1860 read with Sections 25/27/35 of the Arms Act.

And

In Re : Micher Ali @ Micherli @ Bobby @ Bobita Hizra
..... petitioner

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee

.... for the petitioner

Mr. T. D. Nandy
Mr. Antarikhya Basu

... for the State

Petitioner seeks anticipatory bail on the ground of parity with the other co-accused who was granted anticipatory bail on December 23, 2021 in CRM 8755 of 2021 and on March 15, 2022 in CRM(A) 428 of 2022.

Learned advocate appearing for the State submits that, while granting anticipatory bail to one of the co-accused on December 23, 2021, this Hon'ble Court noted that the statement of Laxmi Das recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). did not name such accused. He submits that the same statement of the same person records the name of the petitioner as one of the persons involved in the incident.

Learned advocate appearing for the petitioner submits that, the involvement of the petitioner is limited and does not relate to the main offence of murder.

In the 164 Cr.P.C. statement of Laxmi Das names the petitioner as one of the participants in the incident. At this stage, we need not enter into the exact role that can be attributed to the petitioner in the incident. The petitioner does not stand in the footing as that of the other co-accused who was granted anticipatory bail.

Although, the charge-sheet was submitted by the police, considering the gravity of the offence and considering the involvement of the petitioner therein, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 1379 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)