

04.04.2022
Serial no.48
Aloke
Ct. No. 29

CRM (DB) 887 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 28.03.2022 in connection with Taratala P.S. Case No. 181 of 2016 dated 26.08.2016 under Sections 392/397 of the Indian Penal Code.

-And-

In the matter of: **Niyaz Akhter alias Sonu**

... ..Petitioner

Mr. Angshuman Chakraborty, Advocate

Mr. S.S. Saha, Advocate

... .. For the Petitioner

Mr. Debabrata Chatterjee, Advocate

Ms. Sonali Das, Advocate

... .. 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 August 19, 2021 passed in CRM 3240 of 2021, another co-accused standing on the same footing was enlarged on bail by the jurisdictional Court. However, he fairly submits that the order of bail was under Section 436A of the Code of Criminal Procedure.

The petitioner is yet to reach the position under Section 436A of the Code of Criminal Procedure. The petitioner, therefore, cannot be said to be standing in the same footing as that of the other co-accused who was enlarged on bail on such consideration. The petitioner stands identified in the Test Identification Parade. There is hardly any material change in circumstances subsequent to the earlier order of rejection. Consequently, we are unable to grant bail to the petitioner.

CRM (DB) 887 of 2022 is rejected

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)