

C.R.M. (DB) 894 of 2022

05.04.2022
Sl. 48
Court No.29
sourav
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Chapra** Police Station Case No. **433** of **2021** dated **03.10.2021** under Sections **447/323/325/307/34** of the Indian Penal Code and adding Section **302** of the Indian Penal Code.

And

In the matter of: **Nasir Mondal & Anr.**

....petitioners.

Mr. Sumanta Das,
Mr. Akash Ghosh,

...for the petitioners.

Mr. Neguive Ahmed, Ld. APP,
Ms. Trina Mitra,

...for the State.

Petitioners renew the prayer for bail on the ground of parity with that of another co-accused who was granted bail on March 23, 2022 passed in CRM (DB) 434 of 2022.

Learned Additional Public Prosecutor appearing for the State submits that the petitioners are not standing in the same footing as that of the other co-accused. He refers to the statement of the eyewitness recorded under Section 164 of the Criminal Procedure Code.

In the statement recorded under Section 164 of the Criminal Procedure Code of the eyewitness, it is stated that the second petitioner caught hold of the victim while the first petitioner dealt the blow.

Consequently, the petitioners herein cannot claim parity with that of the another co-accused who was granted bail by this Hon'ble Court.

Moreover, there is hardly any material change in circumstances subsequent to the earlier order of rejection.

Consequently, we are unable to enlarge the petitioners on bail.

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

C.R.M. (DB) 894 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

