

C.R.M. (DB) 1015 of 2022

21.04.2022
Sl. 50
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. **55** of **2021** dated **05.02.2021** under Sections **302/34** of the Indian Penal Code.

And

In the matter of: **Tahara Mondal @ Tahura @ Tohora**petitioner.

Mr. Kallol Mondal
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Souvik Das

...for the petitioner.

Mr. Saibal Bapuli, Ld. APP
Mr. Bibaswan Bhattacharya

...for the State.

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 439 days. Subsequent to the earlier order of rejection of the prayer for bail dated December 1, 2021 passed in CRM 5050 of 2021, four other co-accused persons were enlarged on bail by this Hon'ble Court. He submits that there is no incriminating material as against the petitioner. The prayer for bail of the petitioner was rejected on December 1, 2021 after a finding that there are strong incriminating materials against the petitioner implicating the petitioner in the commission of the offences.

The two dead bodies of the victims were recovered from the courtyard of the petitioner.

The petitioner cannot be said to be on the same footing as that of the other co-accuseds who were granted bail subsequent to the order dated December 1, 2021.

In such circumstances, considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary and considering the earlier order of

rejection and considering the fact that there is hardly any material change in circumstances subsequent to the earlier order of rejection, we are unable to grant bail to the petitioner.

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

C.R.M. (DB) 1015 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

