

02.05.2022

Sl. 41
Court No.29
suvayan
(rejected)

C.R.M. (DB) 1138 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Shyampur** P.S. case No. **227 of 2021** dated **12/06/2021** under Sections **363/376(3)/506/34** of the Indian Penal Code read with Section **6** of the POCSO Act.

And

In the matter of: Toufik Ali

....petitioner.

Mr. Dipankar Pal

Ms. Kakali Naskar

...for the petitioner.

Mr. Tanmay Kr. Ghosh

Mr. Arindam Sen

...for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner stands on the same footing as that of Sk. Manirul who was granted anticipatory bail of this Hon'ble Court. He refers to the another order of the co-ordinate Bench dated February 24, 2022 where, some of the co-accuseds were enlarged on anticipatory bail. He submits that the petitioner stands on the same footing as those who were granted anticipatory bail by the co-ordinate Bench and by this Court.

Learned Advocate appearing for the State submits that the petitioner along with two others were named by the victim in her statement recorded under Section 164 of the Criminal Procedure Code.

Sk. Manirul who was granted anticipatory bail by this Hon'ble Court was not named by the victim. Moreover, Sk. Manirul was found standing on the same footing as that of the other co-accuseds who were granted anticipatory bail by the co-ordinate Bench on February 24, 2022 in CRM(A) 358 of 2022.

The petitioner herein cannot claim himself to be similarly circumstanced as that of Sk. Manirul.

There are incrementing materials in the case diary as against the petitioner.

Therefore, we are unable to grant bail to the petitioner.

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

C.R.M. (DB) 1138 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)