

24.06.2022.
18.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1868 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur P.S. Case No.23 of 2021 dated 19.01.2021 under Sections 341/326/307/302/34 of the Indian Penal Code read with Sections 3 / 4 of the Explosive Substance Act.

In the matter of : Arun Das.

... Petitioner.

Mr. Sourav Chatterjee,
Mr. Sourav Mukherjee.

...for the Petitioner.

Mr. Sanjoy Bardhan, Id. A.P.P.,
Ms. Baishakhi Chatterjee.

...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for over 300 days. It is contended some of the accused persons have been granted pre-arrest bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statement of injured eye witness viz., Susanta Sarkar @ Prasanta Sarkar recorded under Section 164 of the Code of Criminal Procedure shows the presence of the petitioner as a member of unlawful assembly who murdered the victim. Co-accuseds who have been granted anticipatory bail have not been named by the said eye witness.

In view of the aforesaid incriminating materials against the petitioner and as he does not stand on the same footing with the co-accuseds who have been granted pre-arrest bail, we are not inclined to grant bail to the petitioner at this stage.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)