

27.06.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 3007 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hariharpara** Police Station Case No. **156** of **2021** dated **20.04.2021** under Section 302 of the Indian Penal Code, 1860.

And

In Re : Megnath Ghosh @ Meghnat Ghosh

..... petitioner

Mr. Jisan Iqubal Hossain

....for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

....for the State

Petitioner prays for anticipatory bail on the ground of parity with another co-accused Mittunjoy Ghosh @ Mrirtun Ghosh, who was enlarged on anticipatory bail by this Hon'ble Court.

The modification application of the order granting anticipatory bail to Mittunjoy Ghosh @ Mrirtun Ghosh on May 6, 2022 is annexed to the petition.

Learned advocate appearing for the State draws the attention of the Court to the statement of the eye witness recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). He contends that the petitioner cannot claim parity. The petitioner is named in the 164 Cr.P.C. statement.

Considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that the

petitioner is named in the 164 Cr.P.C. statement of the eye witness, implicating the petitioner in the incident, we are of the view that the petitioner cannot claim parity with that of Mittunjoy Ghosh @ Mrittun Ghosh. Consequently, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 3007 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)