

31.03.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M. 8237 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Panskura** Police Station Case No. **236** of **2021** dated 31.05.2021 under Sections 147/149/323/325/307/354B/379/302/506 of the Indian Penal Code and Under Section 51B of the National Disaster Management Act, 2005.

And

In Re : Syed Mujibar Ali

..... petitioner

Mr. S. S. Imam
Mr. Ramasish Mukherjee
Mr. Sk. Nejamuddin

....for the petitioner

Mr. Manjit Singh
Mr. Kunal Ganguly

....for the de-facto

Mr. Neiguive Ahmed
Ms. Amita Gour

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner stands on the same footing as that of the other co-accused who were enlarged on bail time to time either by the Jurisdictional Court or by the High Court.

Learned Public Prosecutor appearing for the State refers to the statement of the eye witness recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.) as also the 164 Cr. P.C. statement of an eye witness.

The de-facto complainant is represented.

It appears from the statement of the eye witnesses that, the petitioner was involved in dealing the blow on the head with the bamboo stick consequent upon which the victim fell to the ground. The other co-accuseds hit the victims with facts and kills.

On the basis of the materials made available to the Court in the case diary, we are unable to return a finding that the petitioner stands on the same footing as that of the other co-accuseds enlarged on bail by the Jurisdictional Court or by the Coordinate Benches.

Considering the gravity of the offence and the involvement of the petitioner therein, we are unable to enlarge the petitioner on bail.

In such circumstances, prayer for bail of the petitioner is rejected and the application being CRM 8237 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)