

CRM 8387 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Kartik Rabi Das

.....Petitioner

Mr. Sagar Saha

.....for the Petitioner

Mr. Bibaswan Bhattacharya

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Harishchandrapur P.S. Case No. 396/2021 dated 26/05/2021 under Sections 302/34 of the Indian Penal Code.

Mr. Saha, learned advocate appearing for the petitioner submits that the principal accused, namely, Jagannath Das @ Pandav Das has already been granted bail by the learned Sessions Court. The petitioner is similarly situated with Jagannath Das and as such, on the ground of parity, he may be enlarged on bail on any stringent condition moreso when upon completion of investigation, charge sheet has been submitted and as the petitioner has already suffered incarceration for a substantial period.

Mr. Bhattacharya, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses.

Prima facie, we find direct involvement of the petitioner in the alleged offence. Specific overt act has been attributed to the petitioner. Considering the gravity of the offence and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour and as such his prayer for bail is refused at this stage.

The application CRM 8387 of 2021 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)