

07.02.2022
Court No.32
rpan / 16

CRM 8696 of 2021

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

And

In Re : **Kamrej Sk (Kamu) @ Kamrej Sarkar @ Milon @ Kamrej Zamal**
- Petitioner

Md. Ashraf Ali,
Ms. Sabnam Laskar
... for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee
... for the State.

Mr. Kallol Kumar Basu,
Md. Jannat ul Firdous,
Mr. Rajesh Naskar,
Ms. T. Majumdar
... for the *De Facto* Complainant.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Khargram Police Station Case No.144 of 2020 dated 13.05.2020 under Sections 341/302/34 of the Indian Penal Code.

Md. Ali, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than two years and six months. The petitioner's prayer for bail was last rejected by a coordinate Bench of this Court on 15th December, 2020. Subsequent thereto, a co-accused person, namely, Subhash Sk. was granted bail by a coordinate Bench of this Court on 8th December, 2021, who according to Mr. Ali, is similarly situated with the petitioner and as such, on the ground of parity, he may be enlarged on bail on any stringent condition.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner could be apprehended only after the charge sheet was submitted. From the statements of the witnesses, as recorded under Section 161 of the Code, it would be evident that a specific overt act has been attributed to the petitioner. In view thereof, he is not entitled to the relief as prayed for. Answering our query, he submits that out of fifteen witnesses, eight witnesses have already been examined.

Mr. Basu, learned advocate, enters appearance on behalf of the *de facto* complainant.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, a specific overt act has been attributed to the petitioner and upon assessment of the materials on record, *prima facie*, we find that the petitioner stands of a different footing than one Subhash Sk., who was granted bail. Considering the seriousness of the offence, stage of the proceedings and extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is rejected at this stage.

Accordingly, the application for bail, being CRM 8696 of 2021, is dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)