

03.01.2022
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Ct. No 29
KAUSHIK
(rejected)

C.R.M. 8883 of 2021
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chanditala** Police Station Case No. **269** of **2019** dated **25.06.2019** under Sections 302/34 of the Indian Penal Code, 1860.

And

In Re : Kartick Dutta & Anr. petitioner

Mr. Navanil De
Ms. Ayantika Roy
Ms. Subhrojit Dey

... for the petitioner

Mr. Saibal Bapuli
Mr. Bibaswan Bhattacharya

... for the State

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioners submits that, although the prayer for bail was rejected on March 15, 2021 by the Coordinate Bench, the petitioner seeks to canvass the point for grant of bail. He submits that, there is a discrepancy between the contents of the First Information Report (FIR) and the statements recorded under Section 164 of the Code of Criminal Procedure (Cr. P. C.). He submits that, the petitioner was falsely implicated.

Learned advocate appearing for the State submits that, the points sought to be canvassed was raised at the time of the earlier rejection of the bail. In any event, he draws the attention of the Court to the contents in the case diary to establish the involvement of the petitioner.

The earlier prayer for bail was rejected by the Coordinate Bench on March 15, 2021. The Coordinate Bench observed as follows:

“Prima facie, the materials in the case diary reveal the involvement of the present petitioner in the alleged offence. Considering the gravity of the offence and the extent of complicity of the present petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer for bail is refused at this stage.”

The contention of the petitioner that the petitioner was not involved in the incident was considered by the co-ordinate Bench. The alleged discrepancy between the statement recorded in the FIR and the 164 Cr.P.C. statement is a matter of trial. At this stage, we are of the view that there is hardly any change in circumstances from the previous order of rejection of the bail. Therefore, we are unable to grant bail to the petitioner.

Accordingly, prayer for bail of the petitioner is rejected and the application being CRM 8883 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)