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04.01.2022
(sourav)
Court No.29

C.R.M. 8967 of 2021
(Via Video Conference)

(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.12.2021 in connection with Tehatta Police Station Case No.366 of 2020 dated 06.09.2020 under Sections **302/34** of the Indian Penal Code.

And

In the matter of: Biswanath Mondal & Ors.

....petitioners.

Mr. Sekhar Basu, Sr. Advocate
Mr. Asraf Mandal,

...for the petitioners.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee

... for the State.

Petitioners renew the prayer for bail.

Learned senior Advocate appearing for the petitioners submits that the petitioner nos. 1, 2 and 3 are in custody for 483 days. The petitioner nos. 4 and 5 are in custody for 469 days. This is the second application for bail on behalf of the petitioner nos. 1, 2 and 3 and the third for the petitioner nos. 4 and 5. He draws the attention of the Court to the seizure list. He submits that four intact bullets were claimed to be recovered from the dead body which is absurd. He submits that the trial is yet to be committed.

Learned Advocate appearing for the State draws the attention of the Court to the earlier order of rejection of bail passed by the Co-Ordinate Benches and to the contents in the Case Diary including the seizure list.

Considering the fact that there is hardly any material change in circumstances subsequent to the order of rejection of the bail by the Co-ordinate Bench and considering the nature of

the offence and the complicity of the petitioners therein, we are unable to grant bail to the petitioners.

Accordingly, the prayer for bail of the petitioners is rejected.

C.R.M. 8967 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

