

28.09.2022
tkm/ct 28
sl no. 80

C.R.M. (DB) 3348 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Narendrapur Police Station Case No. 1245/2021 dated 11.10.2021, under sections 341/326/307/34 of the IPC and adding section 302 of the Indian Penal Code.

And

In Re : Ritesh Gupta

..... petitioner

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha

..... for the petitioner

Mr. Shiladitya Banerjee

..... for the State

The petitioner renews his prayer for bail.

It is submitted there is variation between the statements of witnesses recorded under Sections 161 and 164 CrPC. Co-accuseds are on bail.

Learned lawyer for the State opposes the prayer for bail and submits the petitioner is the principal accused who assaulted the victim.

We have considered the materials on record. Statement of the witness recorded under Section 164 CrPC shows the petitioner is the principal accused. Variation, if any, in the statement requires to be thrashed out in the course of trial.

In view of *prima facie* involvement of the petitioner in the murder, we are of the opinion he does not stand on the same footing with the co-accuseds who are on bail and as his bail prayer being rejected in June, 2022, we are not inclined to grant bail to the petitioner at this stge.

Accordingly, the prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)