

18.10.2022

Vacation Bench
SL No.128
S.B/s.biswas

C.R.M. (DB) 3688 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nakashipara** P.S. Case No. **255 of 2020** dated **03.06.2020** under Sections **447/326/354/302/34** of the Indian Penal Code.

And

In the matter of: **Prahlad Ghosh and another**

....Petitioners

Mr. Soumyajit Das Mahapatra,
Mr. Amanul Islam,
Mr. Sourav Mukherjee

...for the Petitioners

Mr. Rudradipto Nandy,
Mr. Pratick Bose

...for the State

Petitioners renew their prayer for bail.

It is contended on behalf of the petitioners that specific role cannot be attributed at least to the petitioner no.2. Police filed charge-sheet, therefore continued detentions of the petitioners are not required.

Learned advocate for the State submits that this is the fourth application. Three earlier applications were rejected.

The last order of rejection is dated June 20, 2022. In such order the coordinate Bench found that there was specific overt act of the petitioners are against the victim.

In view of the primary role of the petitioners in the incident and the gravity of offence and as the prayer for bail was rejected earlier and as there is hardly any material change in circumstances subsequent to the earlier order of rejection, we are unable to grant bail to the petitioners.

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

(Debangsu Basak, J.)

(Ajay Kumar Gupta, J.)