

25.11.2022
Sl. No.34
akd
[Rejected]

C. R. M. (DB) 4139 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.11.2022 in connection with Gangarampur Police Station Case No. 23 of 2021 dated 19.01.2021 under Sections 341/326/307/302/34 of the Indian Penal Code read with Sections 25(1A)(1B)/27(3) of the Arms Act and Sections 3/4 of the Explosive Substances Act. (G.R. Case No.52 of 2021)

And

In Re: ***Mukesh Chandra Sarkar @ Mukesh Sarkar***
... .. Petitioner

Mr. Kaushik Choudhury
Mr. Sabyasachi Hazra
Ms. Busra Khatoon

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Paramanick

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 89 days. It is further submitted co-accuseds have been granted pre-arrest bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner does not stand on the same footing with co-accuseds who were granted pre-arrest bail. On the other hand, he is similarly circumstanced with co-accuseds viz. Arun Das and Aniruddha Sarkar, whose prayer for bail was turned down by this court.

We have considered the materials on record. Statement of injured eyewitness recorded under Section 164 of the Code of Criminal Procedure implicates the petitioner in the alleged crime. He does not stand on the same footing with co-accuseds who have been granted pre-arrest bail. Bail prayer of co-accuseds similarly circumstanced with the petitioner has been turned down by this court. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)