

15.03.2023
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rejected

C.R.M. (DB) No. 927 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Salanpur Police Station Case No. 30 of 2022 dated 30.01.2022 under Sections 302/176/201/120B/34 of the Indian Penal Code.

And

In Re : Tapas Nath petitioner

Mr. Raju Mondal

... for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Arijit Ganguli

Mr. Arani Bhattacharyya

... for the State

Learned Counsel for the petitioner submits he is in custody for over 400 days. It is also submitted that co-accused Nitya Gopal Nath has been enlarged on bail. He prays for bail on parity.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner had called the victim to the spot where the latter was murdered. Incriminating articles were also recovered from the petitioner. He does not stand on the same footing with Nitya Gopal Nath against whom prosecution only relies on electronic evidence.

In view of the aforesaid facts and as bail prayer of the petitioner was rejected earlier on merits in December, 2022 and

there is no change in the circumstance since then, 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.)