

29.08.2023
Sl. No.10
akd
[Dismissed not pressed]

C. R. M. (DB) 3294 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.08.2023 in connection with Burwan Police Station Case No.227 of 2021 dated 13.08.2021 under Sections 341/326/307/302/120B/34 of the Indian Penal Code, Sections 3/4 of the Explosive Substances Act and Sections 25/27 of the Arms Act.

And

In Re: ***Doyal Sk.***

... .. Petitioner

Mr. Kallol Kr. Basu
Md. Jannat-ul-Firdous

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Bibaswan Bhattacharya

... .. for the State

1. Petitioner has sought for bail on parity with co-accused viz. Sukur Sk. @ Asadulla Seikh who has been enlarged on bail by the Hon'ble Apex Court.
2. Report is placed on record.
3. We note Sukur Sk. @ Asadulla Seikh was in custody for about two years while the petitioner had absconded and is in custody for only eight months. Grant of bail on the principles of parity demands both the accused to be similarly placed in all respect. Period of detention and other attending factors like criminal antecedents of the accused are relevant considerations. Petitioner did not suffer detention which is equivalent to the co-accused who has been enlarged on bail.
4. In this background, learned Advocate for the petitioner seeks leave to withdraw the application for bail.
5. Accordingly, this application stands dismissed as not pressed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

