

28.08.2023
Sl. No.19
akd
[Rejected]

C. R. M. (DB) 3322 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.08.2023 in connection with Santipur Police Station Case No.05 of 2023 dated 02.01.2023 under Sections 302/34 of the Indian Penal Code.

And

In Re: ***Achinta Kantha***

... .. Petitioner

Ms. Sananda Bhattacharyya

... .. for the petitioner

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

Mr. Arani Bhattacharya

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 126 days. It is further submitted petitioner is on par with co-accused who have been enlarged on bail. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State disputes such fact. He submits statements of some of the witnesses claim petitioner was seen with the deceased soon before the incident whereas none of their statements implicate the co-accused.
3. We have considered the materials on record. None of the statements of witnesses disclose co-accused were seen with the deceased. But some of the statements disclose petitioner and the deceased were last seen together. Hence, petitioner cannot claim parity with co-accused who have been enlarged on bail. Materials on record show victim had suffered homicidal death. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)