

29.08.2023

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rejected

C.R.M.(DB) No. 3382 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. 167 of 2022 dated 22.07.2022 under Sections 302/212/120B of the Indian Penal Code.

And
In Re : Aditya Char petitioner

Mr. Debapriya Samanta
....for the petitioner

Mrs. Zareen N. Khan
Mr. Arup Sarkar
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 394 days. He contends co-accused is on bail. He renews his bail prayer.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner was present at the place of occurrence. He does not stand on the same footing with co-accused, Chandana Saha, who was not present at the place of occurrence.

3. We have considered the materials on record. Victim had been murdered. Materials on record show that the petitioner was present at the place of occurrence. Co-accused, Chandana Saha was not present at the place of occurrence. Her complicity had been inferred on the basis of telephonic conversations with the co-accused. Hence, petitioner cannot claim parity with the

said co-accused, Chandana Saha. Keeping in mind the prima facie role of the petitioner in the murder and gravity of the offence, 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.)