

20.09.2023.
39.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3661 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Saktipur P.S. Case No.195 of 2022 dated 31.10.2022 under Sections 302/34 of the Indian Penal Code.

In the matter of : **Anisur Mollick @ Anisur Rahaman Mallick.**

... Petitioner.

Mr. Arnab Chatterjee,
Mr. Tapodip Gupta,
Ms. Dhanasree Biswas,
Ms. Poulami Bose.

...for the Petitioner.

Ms. Zareen N. Khan,
Md. Kutubuddin.

...for the State.

Ms. Minoti Gomes.

...for the de-facto complainant.

1. Petitioner is in custody for 280 days. It is contended co-accused has been granted pre-arrest bail. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits weapon of offence was recovered from the petitioner.
3. Learned Advocate for the de-facto complainant also opposes the bail prayer.
4. We have considered the materials on record. Statements of witnesses show petitioner and co-accused had assaulted the victim. Weapon of offence was recovered from the petitioner and not the co-accused. Co-accused being a lady has been granted pre-arrest bail. Petitioner who is not a lady cannot claim parity.

5. In view of the materials on record implicating the petitioner in the crime, we are not inclined to grant bail to him at this stage.

6. Accordingly, the prayer for bail of the petitioner is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)