

C.R.M. (DB) No. 4222 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kandi** P.S. Case No. **526 of 2022** dated **17/09/2022** under Sections **302/201/120B/34** of the Indian Penal Code.

And

In the matter of: - Akbar Sk. & Anr.

....petitioners.

Mr. Kallol Kumar Basu,
Md. Jannat Ul Firdous,
Mr. Rajesh Naskar

...for the petitioners.

Mr. Bidyut Kumar Roy,
Ms. Sima Biswas

...for the State.

1. Learned counsel for the petitioners contends that co-accused persons standing on similar footing as the petitioners have been enlarged on bail and as such, on the ground of parity, the petitioners also seek bail.
2. Learned counsel for the State opposes the prayer for bail and submits that the other co-accused persons, who were enlarged on bail, stand on a different footing inasmuch as the allegation against them was that they had called the victim whereas the recovery has been made from the present petitioners.
3. A perusal of the case diary indicates that the prosecution has been sufficiently able to link the petitioner with the crime, at least *prima facie*.
4. Moreover, the petitioners' application for bail was rejected as recently as in the month of June, 2023. No change in

circumstance has been brought on record to justify the grant of bail at this juncture.

5. Accordingly, CRM (DB) No. 4222 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Partha Sarathi Chatterjee, J.)