

10.05.2024.
25.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1484 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Nakashipara P.S. Case No.255 of 2020 dated 03.06.2020 under Sections 447/326/354/302/34 of the Indian Penal Code.

In the matter of : **Prahlad Ghosh.**

... Petitioner.

Mr. Debabrata Roy,
Mrs. Karabi Roy,
Ms. Sarbani Mukhopadhyay.

...for the Petitioner.

Mr. Jaydeep Biswas,
Ms. Paramita Sahu.

...for the State.

1. Petitioner is in custody for more than two years. He submits co-accused Samrat Ghosh and Basudeb Ghosh are on bail. Accordingly, he prays for bail on parity.

2. Learned Advocate for the State opposes the bail prayer.

3. We have considered the materials on record. Petitioner had assaulted the victim on the shoulder. Post mortem report corroborates the ocular version of witnesses with regard to assault by petitioner. It is alleged Samrat Ghosh had assaulted the victim on the chest but no injury was noted in the chest. The other accused Basudeb Ghosh had assaulted on the leg.

4. Under such circumstances, we are unable to persuade to release the petitioner on bail on parity. Moreover, petitioner

could not be arrested for about two years and finally surrendered in 2022.

5. Hence, we are not inclined to enlarge the petitioner on bail.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)