

06.12.2024
Item no. 37.
Court No.29.
AB
(Rejected)

CRM (DB) 3120 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nabagram P.S. Case No. 164 of 2024 Dated 14.4.2024 under Sections 341 302/34 of the Indian Penal Code

And

In the matter of : Tota Sk. & Anr.

.....Petitioners.

Mr. Tapodip Gupta
Mr. Suman Bhanjafor the Petitioners.

Mr. Saibal Bapuli, Id. APP
Mr. Dipankar Pramanikfor the State.

Mr. Anindya Ghosh,
Mr. Pronojit Roy,
Mr. Soumen Mondalfor the Defacto complainant.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioners submitted that the petitioners are standing on the same footing as the other accused persons, who have been granted bail by a Coordinate Bench as well as this Bench.
2. Learned Counsel for the State opposes the prayer for bail and draws our attention to the statements of the witnesses recorded under Section 161 Cr.P.C. wherein the said witnesses have stated before the Investigating Officer that the present petitioners had used deadly weapon (sabal) to commit the offence. He has also drawn our attention to the post mortem report, which shows that the death was due to such assault.

3. We have considered the materials on record. There are sufficient incriminating materials against the petitioners which show that the present petitioners are not similarly circumstanced as those persons, who have been granted bail.
4. In view of the aforesaid, we are not inclined to allow the petitioners' prayer for bail, at this stage.
5. The prayer for bail is rejected.
6. CRM (DB) 3120 of 2024 is dismissed.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)