

D/L30

14.02.2025
Rohit
ct.no.26

C.R.M. (DB) 3683 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sabang Police Station Case No. 167 of 2021 dated 05.05.2021 under Sections 302/34 of the Indian Penal Code subsequently registered as CBI/SCB/Kolkata Case No. RCO562021S0046 dated 09.11.2021 under Sections 147/148/149/302/34 of the Indian Penal Code.

And

In Re: **Subhajit Sekhar Mahesh @ Subhojit Mahes**
...Petitioner

Mr. Amal Krishna Samanta
Mr. D.P. Samanta

...for the petitioner

Mr. Amajit De, Special PP, CBI

...for the CBI

1. Petitioner prays for bail on the ground of parity with other co-accused who were enlarged on bail by the order dated September, 2, 2024 passed in CRM (DB) 2195 of 2024, February 6, 2025 passed in CRM (DB) 3627 of 2024 and February 6, 2025 passed in CRM (DB) 3630 of 2024.
2. Learned Advocate appearing for the petitioner submits that the petitioner is in custody in excess of three years. Prosecution submitted fifty six charge-sheet witnesses to be examined at the trial. Only three prosecution witnesses were examined.

Consequently, there is hardly any possibility of the trial concluding any time soon.

3. Learned Advocate appearing for CBI submits that the other co-accused who were enlarged on bail by the Co-ordinate Benches instigated the murder. So far as the petitioner is concerned, a pipe rod containing blood stains was found from his possession. The blood group on the pipe rod matches the blood type of the victim. He submits on instructions that the prosecution is likely to examine twenty two witnesses.
4. Trial is in progress. Petitioner stands implicated in murder. There is difference on the footing between the petitioner and the co-accused who were enlarged on bail by the Co-ordinate Benches. Involvement of the petitioner in the murder case way more active than the other two co-accused.
5. Prosecution scaled down the number of witnesses to be examined at the trial.
6. Enlarging the petitioner on bail at this stage may not be conducive to the trial.
7. In such circumstances, we are not inclined to grant bail to the petitioner.
8. Prayer for bail of the petitioner is **rejected**.
9. **C.R.M.(DB) No. 3683 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)