

14.02.2025  
Item No.36  
Court No. 26  
CHC  
**Rejected**

### **CRM (DB) 3715 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 **Sabang** Police Station Case No. **167 of 2021** dated **05.05.2021** under Sections **302/34** of the Indian Penal Code, which was 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 the matter of : **Bidyut Mahesh @ Biddyt Kumar Mahes**  
... ...**Petitioner**

Mr. Deba Prasad Samanta, Advocate  
... ... For the Petitioner

Mr. Amajit De, Advocate  
... ...For the CBI

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that, petitioner stands on the same footing as that of co-accused who was enlarged on bail by the coordinate Bench. He submits that, only three prosecution witnesses were examined.
3. Learned advocate appearing for the CBI draws the attention of the Court to the fact that, petitioner was seen carrying the iron pipe which contained blood stains of the victim. FSL report is as against the petitioner.
4. The trial is in progress. Active role of the petitioner in the murder appears from the materials available.

5. We do not find that, the petitioner stands on the same footing as that of the other co-accused who was enlarged on bail by the coordinate Bench on September 2, 2024 passed in CRM(DB) 2195 of 2024. At that time, the coordinate Bench took into consideration the fact that 56 witnesses were required to be examined today, it is submitted on behalf of the CBI that the prosecution will examine about 22 witnesses out of 56 chargesheeted witnesses.
6. In such circumstances, we are not inclined to grant bail to the petitioner.
7. Prayer for bail of the petitioner is **rejected**.
8. CRM(DB) 3715 of 2024 is **dismissed**.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**