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17.02.2026

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Rejected

C.R.M. (M) 2057 of 2025

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Khargram Police Station Case No.231 of 2023 dated 08.07.2023 under Sections 364/302/120B of the Indian Penal Code;

Musabur Sk @ Musabur Hosen & Ors.
Versus
The State of West Bengal

Mr. Sekhar Kumar Basu
Mr. Diptangshu Basu.
...for the petitioners.

Ms. Sreyashee Biswas
Mr. Atanu Ghosh.
...for the State.

Mr. Samirul Sardar.
...for the de facto complainant.

Learned senior advocate appearing for the petitioners submits that the petitioners are in custody for 2½ years and similarly placed accused persons have already been granted bail. Learned senior advocate additionally submits that the complicity of the present four petitioners are same as would reveal from the witnesses who have been relied by the prosecution.

Learned advocate for the State opposes the prayer for bail and submits that initially two of the accused persons were discharged but subsequently CID took up the investigation and submitted supplementary charge-sheet wherein the names of the two accused persons appeared, as

such, two accused persons have been granted anticipatory bail because of delay in their names surfacing in evidence collected by the investigating authorities.

So far as the present petitioners are concerned, I find that one Tantu Babu was granted bail. One of the grounds for granting bail was anticipatory being granted to the other two accused persons and the said order not being challenged. Three witnesses have already been examined in this case.

Fact remains that a person was murdered in this case after being dragged away from his home.

It has also been informed that one Mofijul Sk. has been granted bail. So far as the two accused persons who have been granted bail, it has been submitted on behalf of the State that their prayer for cancellation of bail is pending before the Hon'ble Apex Court. Mere prayer for cancellation do not bind the High Court. But I find from the facts of this case that the issue relating to parity has got some relevance but the grounds on which the bail was granted was at a time when the evidence of two witnesses were completed.

It is a settled position of law that while applying the principle of parity, Court has to considered the totality of the circumstances including the factor of seriousness and gravity of the offence as also the severity of punishment in the event of conviction. Further the Court while taking into account the issue of parity has to appreciate the changed circumstances in

the progress of the prosecution case.

So far as the present petitioners are concerned, I have considered the evidence and I find from the evidence of the three witnesses that there is some consistent version which is corroborative in nature.

Having considered the heinousness of the present offence, mere ground of parity in respect of accused who has been granted bail on separate set of reasoning may not be sufficient to release the petitioners on bail at this stage when additional evidence has been recorded and some of the independent witnesses are yet to be completed or taken on record. Having regard to the same, I am not inclined to release the petitioners on bail.

Accordingly, the prayer for bail of the petitioners in CRM(M)2057 of 2025 is rejected.

Case diary be returned to the learned advocate appearing for the State.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)