

30.07.2021

Court No.28  
Item No.14  
(REJECTED)

Ab

**CRM 2220 of 2021**  
**(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 24.02.2021 in connection with Ranitala Police Station Case No. 218 of 2019 dated 23.04.2019 under Sections 143/147/148/149/326/302 of the Indian Penal Code;

And

In the matter of : **Lalu Sk. @ Sujarul @ Sujarul Haque.**  
**...Petitioner.**

**Mr. Md. Sabir Ahmed,**  
**Mr. Ali Ahsan Alamgir,**  
**Mr. Mujibar Ali Naskar.**

**...For the Petitioner**

**Mr. Madhusudan Sur,**  
**Mr. Dipankar Pramanick.**

**... For the State**

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranitala Police Station Case No. 218 of 2019 under Sections 143/147/148/149/326/302 of the Indian Penal Code.

This is the third application for bail at the behest of the petitioner before this Court. Earlier two applications for bail were rejected on the prima facie disclosure of incriminating materials against the petitioner in commission of offence.

The petitioner prays for bail in this application citing parity. According to him, other similarly circumstanced person has already been enlarged on bail and, therefore, he should also be released on bail.

The State opposes the prayer for bail and submits that the petitioner is the principal accused and his role is distinct from the other co-accused, who has already been enlarged on bail.

After hearing the respective submissions and on perusal of the materials on record including the statement of the eye-witnesses recorded under Section 161 of the Code of Criminal Procedure, we, prima facie, find the complicity of the petitioner to the alleged offence and, therefore, the petitioner cannot seek parity with others.

The application for bail, being CRM 2220 of 2021, is thus **rejected.**

However, it has been informed that the trial has commenced and, in fact, one witness has already been examined.

The trial court is requested to expedite the trial of the case.

**(Harish Tandon, J)**

**(Bibek Chaudhuri, J.)**