

20.10.2020  
DL No.19  
Court No.12  
Avijit Mitra

**CRM 8126 of 2020  
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kalna** P.S. Case No.**963/2019** dated **07.12.2019** under Sections **302/34** of the Indian Penal Code and 25/27 of the Arms Act.

And

In the matter of: **Nijam Mallick**

....Petitioner.

Mr. Soumyajit Das Mahapatra

...for the Petitioner.

Mr. N. Ahmed,  
Ms. Amita Gaur,  
Ms. Manisha Sharma

...for the State.

The learned counsel for the petitioner has renewed his prayer for bail.

The said prayer is opposed by the State.

It appears that a co-ordinate bench on 9<sup>th</sup> July, 2020 rejected the application of the petitioner after recording the following:

*“The State says that the relevant accused who was granted bail on May 15, 2020 was on the perception that the deceased had not allegedly named such person in his dying declaration. However, the State says that the State did not have the statements of relevant witnesses at the material point of time. The State produces such witness statements which clearly refer to the present petitioner being present and involved in the incident which led to the unnatural death of a person.”*

There has been no change in circumstances in the instant case since the order of last rejection. Accordingly, the prayer for bail of the petitioner is refused.

Accordingly, the application for bail being CRM 8126 of 2020 is rejected.

All parties are to act on a website copy of this order on the usual undertaking.

**(Aniruddha Roy, J.)**

**(Soumen Sen, J.)**