

CRM No.652 of 2021

01.03.21 In re: An application for bail under Section 439 of the Code of Criminal  
(S.R.) Procedure filed in connection with **Habra** Police Station **Case No.301**  
Sl.42 **of 2020** dated **02.07.2020** under Sections **341/354/326/307/302** of  
Ct.28 the Indian Penal Code;

And

**In re: Biswajit Mali @ Bisso @ Biswa ... petitioner.**

Mr. Sumanta Chakraborty ... for the petitioner.

Mr. Saibal Bapuli, APP

Mr. Arani Bhattacharyya ...for the State.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is a handicapped person and is suffering from 45% disability. No overt act has been attributed to him. Upon completion of investigation charge sheet has also been filed and as such, further detention of the petitioner, who is in custody since 2<sup>nd</sup> July, 2020, is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the dying declaration and other documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, the dying declaration and the extent of complicity of the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the application for bail being CRM No.652 of 2021 is dismissed.

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

**(Tirthankar Ghosh, J.)**

**(Tapabrata Chakraborty, J.)**