

25.06.2021.
Item No.25
(Rejected)
ab/saswata

C.R.M. 2387 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.03.2021 in connection with Palashi Para Police Station case no.227 of 2020 dated 25.08.2020 under Sections 341/376/370/34 of the Indian Penal Code;

And

In the matter of : **Atai Mollick @ Atarul Mollick**
... petitioner.

Mr. Amanul Islam
Mr. Debayan Ghosh
Mr. Kaustav Bagchi
Mr. Sourav Mukherjee

...For the petitioner.

Mr. Ranabir Roychowdhury
Mr. Rudradipta Nandy
Mr. Mainak Gupta

... For the State

This is an application for bail in connection Palashi Para Police Station case no.227 of 2020 under Sections 341/376/370/34 of the Indian Penal Code at the behest of the petitioner.

The learned Advocate for the petitioner submits that the petitioner is in no way connected with the alleged offence but has been implicated simply because he happens to be the brother of the principal accused. It is further submitted that there is no overt act disclosed by the victim lady in her statement recorded under Section 164 of the Code of Criminal Procedure attributable to the role of the present petitioner and, therefore, he should be released on bail.

The learned Advocate for the State opposes the prayer for bail. It is submitted that his brother, namely, Patai Mollick, applied for bail twice before this Court, which were turned down on each occasion. He further submits that the victim lady has disclosed the involvement of the petitioner and there is a serious allegation against him as well.

After hearing the respective submissions and on perusal of the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure, we have no hesitation to hold that the petitioner's involvement to the alleged offence cannot be ruled out.

The aforesaid observation is made solely on the basis of statement recorded under Section 164 of the Code of Criminal Procedure and, therefore, will be considered as tentative.

Accordingly, the application for bail being CRM 2387 of 2021 is **rejected**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)