

07.07.2021

(Via Video Conference)

Court No.28
Item No. PB-123
snandy/adas

CRM 3194 of 2021

(BAIL – REJECTED)

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 05.04.2021 in connection with Mahishadal Police Station Case No. 13 of 2020 dated 13.01.2020 under Sections 302/201/34 of the Indian Penal Code. (G.R. Case No. 61 of 2020)

and

In the matter of: **Mallika Das Samanata @ Mallika Das**

.....Petitioner

Mr. Bhaskar Seth, Advocate

.....for the Petitioner

Mr. Rana Mukherjee, Advocate

Ms. Sujata Das, Advocate

Ms. Debjani Sahu, Advocate

Mr. Nirupam Dhali, Advocate

.....for the State

The petitioner has filed the instant application for bail in connection with Mahishadal Police Station Case No. 13 of 2020 dated 13.01.2020 under Sections 302/201/34 of the Indian Penal Code.

Learned Advocate for the petitioner submits that the petitioner is in custody for nearly 530 days in connection with the instant case whereas the other co-accused who stand on the same footing, had already been enlarged on bail.

Learned Advocate for the State draws the attention of the Court to the seizure list showing the recovery of the incriminating materials on the leading statement of the petitioner. It is further submitted that the petitioner is the mastermind behind the killing of the deceased and does not stand on the same footing that of the other co-accused who had been enlarged on bail.

After hearing the respective Counsel and after perusing the

materials-on-record, it appears that an earlier application for bail being CRM 6311 of 2020 filed by the petitioner was dismissed on September 30, 2020 on the sole score that incriminating materials was recovered on the leading statement of the petitioner. The co-ordinate Bench further recorded that the nature and gravity of the offence and the complicity of the petitioner cannot be ruled out at this stage. More particularly, when the charges have not been framed yet, we do not find that the petitioner stand on the same footing that of the other co-accused who had already been enlarged on bail. Since the incriminating materials have been seized on the leading statement of the petitioner, we are not inclined to grant bail to the petitioner.

The prayer for bail is **rejected**.

The application being **CRM 3194 of 2021** is accordingly **dismissed**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)