

15.11.2021
Serial 438
AB
Ct. No. 29

(Through Video Conference)

CRM 4050 of 2021

In re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Chittaranjan Police Station Case No.22 of 2020 dated 17.7.2020 under Sections 302/34/120B/201 of the Indian Penal Code read with Section 27 of the Arms Act

-And-

In the matter of : **Mukesh Balmiki @ Mukash Balmiki**

... Petitioner

Mr. Milan Mukherjee, Sr. Advocate,
Mr. Biswajit Manna, Advocate

... ...For the Petitioner

Mr. Sudip Ghosh, Advocate
Mr. Apurba Kr. Dutta, Advocate

... ...For the State

Mr. Sourav Chatterjee, Advocate
Mr. Avik Ghatak, Advocate,
Mr. Amit Ranjan Pati, Advocate

... ...For the Defacto Complainant.

Petitioner seeks bail.

Learned Senior Advocate appearing for the petitioner submits that the petitioner was falsely implicated. He draws the attention of the Court to the seizure list and the contents of the charge sheet. He submits that although the mobile phone of the petitioner was seized, the police did not obtain the call detail recording. He points out that the 164 statements were not made available to the petitioner under Section 207 of the Criminal Procedure Code.

Learned Advocate appearing for the State draws the attention of the Court to the statement recorded under Section 161 of the Criminal Procedure Code and the statement recorded under Section 164 of the Criminal Procedure Code. He submits that the petitioner is named in such statements.

The defacto complainant is represented.

Considering the materials in the case diary, the gravity of the offence and the nature of involvement of the petitioner as transpiring

from the materials in the case diary, we are unable to grant bail to the petitioner.

The prayer for bail is rejected.

CRM 4050 of 2021 is, accordingly, dismissed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)