

16.11.2021

Court No.28
Item No.37
(REJECTED)

Saswata

CRM 4704 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bolpur Police Station Case No. 93 of 2021 dated 22.03.2021 under Sections 323/325/363/365/506/34 and subsequently added with Sections 307/354B/376(D)/366 of the Indian Penal Code and Sections 25/27/35 of the Arms Act;

And

In the matter of : **Ansar Mallick**

...Petitioner.

Mr. Md. Shahjahan Hossain

Ms. Sanjida Sultana

Mr. Prithwiraj Biswas

...For the Petitioner

Mr. Madhusudan Sur, APP

Mr. Dipankar Pramanick

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Bolpur Police Station Case No. 93 of 2021 under Sections 323/325/363/365/506/34 and subsequently added with Sections 307/354B/376(D)/366 of the Indian Penal Code and Sections 25/27/35 of the Arms Act.

Learned Advocate for the petitioner submits that the petitioner had a love affair with the victim lady who renounced Hindu religion and adopted Islam, which is corroborated by an affidavit sworn before the Executive Magistrate.

It is further submitted that subsequently, *nikah* was conducted and the present case has been initiated at the behest of the mother of the petitioner, who is not willing to accept such relationship.

Learned Advocate for the State opposes the prayer for bail.

It is submitted that the victim lady has narrated the incident of the fateful day and, in fact, named the present petitioner as one of

the principal accused.

Furthermore, the co accused, namely, Sk. Nabi, who stands on a same footing, has not been enlarged on bail by this Court and relies upon the downloaded copy of the order dated 9th August, 2021 passed in CRM 3979 of 2021.

After hearing respective counsels and on perusal of the materials on record including the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure, we find allegation against the petitioner and the conduct of the petitioner in commission of the offence cannot be overruled at this stage.

Furthermore, the co accused has not been enlarged on bail and, therefore, we do not find any ground taking a different view that of the coordinate Bench.

Accordingly, the prayer for bail is ***rejected***.

The application for bail being CRM 4704 of 2021 is accordingly ***dismissed***.

(Harish Tandon, J)

(Rabindranath Samanta,J.)