

25.11.2021
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Ct. No 29
KAUSHIK
(REJECTED)

C.R.M 5475 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pingla** Police Station Case No. **142** of **2019** dated **13.06.2019** under Sections 341/323/325/326/307/302/34 of the Indian Penal Code.

And

In Re : Mastafa Mallick @ Mustafa Mallik

..... petitioner

Mr. Ramasish Mukherjee
Mr. Sk. Nezamuddin

.... for the petitioner

Mr. Swapan Banerjee
Ms. Purnima Ghosh

... for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was named in the charge-sheet. The draws the attention of the Court to the contents of the order dated September 19, 2019. He submits that, such order records the principal assailants. The petitioner is not named therein.

Learned advocate appearing for the State draws the attention of the Court to the contents of the case diary including the statements recorded under Section 164 of the Code of Criminal Procedure (Cr. P. C.).

The name of the petitioner does not figure in the order dated September 19, 2019. However, the case diary shows that the statements recorded under Section 164 Cr. P. C. were recorded subsequent thereto and one on September 30, 2019. Such statements implicates the petitioner as one of the assailant.

In such view, we are not in a position to grant bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM 5475 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)