

29.01.2021
Court No.28
Item No. 07
Krishnendu
Bail Rejected

**CRM 8458 of 2020
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Prasanta Mandal @ Babu

Petitioner

Mrs. Sonali Das

For the Petitioner

Mr. Saibal Bapuli, Id. A.P.P.

Mrs. Sayanti Santra

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Gagnapur Police Station Case No. 59 of 2020 dated 20.08.2020 under sections 302/341/325/307/506/34 of the Indian Penal Code, 1860.

The learned advocate appearing for the petitioner submits that the petitioner is innocent of the charges and similarly placed accused persons have been granted anticipatory bail by the Sessions Court. Additionally, the learned advocate submits that there were no injuries, which are reflected from the inquest report and the post-mortem report, as has been observed by the learned Sessions Court.

The learned advocate appearing for the State produces the case diary and draws our attention to the medical documents as

well as the post-mortem report and the statements of the witnesses.

We have perused the materials on record and, more particularly, observed the post-mortem report wherein it has been noted *“an abrasion noted in gluteal region and coming out from mouth”*.

Having regard to such observations made in the post-mortem report, we are unable to agree with the observations of the learned Sessions Judge. The statements of the witnesses reflect direct complicity of the present petitioner. As such, we are of the opinion that the petitioner is not entitled to be released on bail at this stage.

Accordingly, the application for bail, being CRM No. 8458 of 2020, is rejected.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)