

17.03.2021
Item No.35
Ct.No.28
Subha
rejected

C.R.M. 11068 of 2020
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

In the matter of : **Faraj Ali Mallick @ Firoj ali Mallick** ...
Petitioner.

Mr. Soumik Ganguli
Mr. Diptendu Banerjee
Ms. Sinthia Bala

... For the Petitioner.

Mr. Rudradipta Nandy

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Mangolkote Police Station Case No. 48 of 2020 dated 27-02-2020 under Sections 448/326/307/120B with adding Section 302 of the Indian Penal Code.

The petitioner prays for bail on the ground of parity. According to him two of the co-accused have been granted anticipatory bail by this court and, therefore, there is no justification of keeping this petitioner in custody.

On the other hand, learned advocate appearing for the State opposes the prayer for bail of the petitioner and relies upon the dying declaration of the deceased.

After perusing the dying declaration of the deceased and other incriminating materials available in the case diary, we do not find that the petitioner stands on the same footing that of the persons who have been granted anticipatory bail.

Prima facie, we find complicity of the petitioner in the alleged offence and, therefore, the petitioner is not entitled to bail and, therefore the prayer for bail of the petitioner is rejected.

With the aforesaid observations, the application for bail being CRM 11068 of 2020 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)