

18.03.2021

CRM 11237 of 2020

Court No.28
Item No.46

akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 11.12.2020 in connection with Beldanga Police Station Case No. 222 of 2020, dated 29.05.2020 under Sections 448/325/326/307/302/34 of the Indian Penal Code (G.R. Case no. 1672/2020).

And

In the matter of : **Babai Mandal @ Bappadittya Mandal**
...Petitioner

Mr. Rajiv Lochan Chakraborty,
Mr. Debapratim Guha,
Mr. Priyanjit Kundu.

...For the Petitioner

Mr. Subrato Roy.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Beldanga Police Station Case No. 222 of 2020 under Sections 448/325/326/307/302/34 of the Indian Penal Code.

Learned Advocate appearing for the petitioner submits that the similarly circumstanced co-accused has already been enlarged on bail and, therefore, the petitioner, who is standing on the same footing, may also be released on bail. It is further submitted that there is no special fact against the petitioner, which could be seen from the statements of the other persons, and, therefore, the petitioner may be entitled to bail.

Learned Advocate for the State opposes the prayer for bail. It is submitted that there are sufficient incriminating materials against the petitioner and his role to the complicity of offence cannot be overruled. He relies upon the statement of eyewitnesses recorded under Section 161 of the Code of Criminal Procedure.

After hearing the submissions of the respective Counsels and on perusal of the materials available in the case diary including the statement of the so-called eyewitnesses recorded under Section 161 of the Code of Criminal Procedure, it cannot be said that the role of the petitioner to the complicity of the offence could be ruled out, and

further the gravity of the offence, we do not think that it is a fit case where the petitioner should be released on bail.

The application for bail, being CRM 11237 of 2020, is thus **dismissed**.

(Harish Tandon, J)

(Tirthankar Ghosh,J.)