

CRM (DB) 4 of 2022
(via video conference)

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

And

In Re : Rafik Mondal @ Rafikul Mondal

.....Petitioner

Mr. Souma Subhra Ray

.....for the Petitioner

Mr. N. Ahmed
Ms. Amita Gaur

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bishnupur P.S. Case No. 484 of 2020 dated 17.09.2020 under Sections 302/34 of the Indian Penal Code.

Mr. Ray, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated due to previous enmity pertaining to plots of land. Upon completion of investigation, charge sheet has already been submitted and as such, further detention of the petitioner, who is in custody for about 508 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses including the eye witnesses, the post mortem report and the seizure list.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials on record against the petitioner. Specific overt act has been attributed. On his statement, the offending weapon was seized. Considering the gravity of the offence, its ramifications and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

The application CRM (DB) 4 of 2022 is, accordingly, dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)