

18.02.2022
Court No.32
Item No. 17
Avijit Mitra

C.R.M.(DB) No.54 of 2022

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

And

In Re : Mojarul Mir

Petitioner

Mr. Saikat Chatterjee,
Md. Rakib

For the Petitioner

Ms. Faria Hossain,
Mr. Anand Keshri

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Nalhati Police Station Case No.139 of 2021 dated 26.04.2021 under sections 448/325/376 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner runs a wholesale shop in the local market. He took a loan from the victim lady and subsequently repaid the same. He has been falsely implicated and is languishing in custody for more than 100 days. In the said conspectus, he may be enlarged on bail on any stringent condition.

Mr. Keshri, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim as recorded under Section 164 of the Code and the injury report. Answering our query he submits that charges have already been framed and date has been fixed for evidence.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the

seriousness of the offence, the nature of accusations, the stage of the proceedings and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer for bail is refused, at this stage.

The application for bail, being CRM (DB) No.54 of 2022, is disposed of.

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)