

11.03.2022
Court No.32
Item No. 03
Avijit Mitra

C.R.M. (DB) No.189 of 2022

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

And

In Re : Bablu Malik @ Mallick

Petitioner

Ms. Pampa Dey Dhabal

For the petitioner

Mr. Saibal Bapuli,
Mr. Arani Bhattacharyya

For the State

Mr. Malay Bhattacharyya,
Mr. Subhrojyoti Ghosh

For the *de facto* complainant

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Kotulpur Police Station Case No. 199 of 2021 dated 11.08.2021 under sections 302/34 of the Indian Penal Code.

Ms. Dey Dhabal, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Upon completion of investigation chargesheet has already been submitted and as such, further detention of the petitioner, who is in custody for about 210 days, is not necessary and he may be granted bail on any stringent condition.

Mr. Bhattacharya, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Sections 161 and 164 of the Code as well as the *post-mortem* report. He further

submits that the prayer for bail of one Raju Malik, who is similarly situated with the petitioner, was refused by a Coordinate Bench of this Court on 7th January, 2022.

Heard the learned advocates appearing for the respective parties.

Upon assessing the materials in the case diary, it *prima facie* appears that the role assigned to the petitioner herein is similar to that of Raju Malik, whose prayer for bail was turned down by a Co-ordinate Bench of this Court earlier and as such, we are not inclined to exercise any discretion in favour of the petitioner and his prayer for bail is refused, at this stage.

Accordingly, the application for bail, being CRM (DB) No.189 of 2022, is 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)