

28.02.2022

Court No.32
rpan /42

CRM (DB) 195 of 2022

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

And

In Re : **Abdul Rafik Mondal**

- Petitioner

Mr. Ranajit Kr. Roy,
Mr. Subrata Mukherjee,
Mr. Drishna Deo Das
... for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta
... for the State.

Mr. Ayan Bhattacharjee,
Mr. Suman Majumdar,
Mr. Prattay Khan
... for the De Facto Complainant.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Memari Police Station Case No. 419 of 2020 dated 14.09.2020 under Sections 325/326/307/302/34 of the Indian Penal Code.

Mr. Roy, learned advocate appearing for the petitioner submits that there are inconsistencies in the statements of the witnesses and the petitioner has been falsely implicated. Upon completion of investigation charge sheet has already been submitted and in view thereof, further detention of the petitioner, who is in custody for about 533 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as recorded under Sections 161 and 164 of the Code. He further submits that the offending weapon had been recovered on the basis of the leading statement of the petitioner. The petitioner is directly involved in the alleged offence and as such, he is not entitled to the relief as prayed for.

Mr. Bhattacharjee, learned advocate enters appearance on behalf of the *de facto* complainant and opposes the petitioner's prayer.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, there are strong incriminating materials on record against the petitioner. Considering the seriousness of the offence, the nature of accusations 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 rejected at this stage.

Accordingly, the application for bail, being CRM (DB) 195 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.)