

14.03.2022

Court No.32
rpan /17

CRM (DB) 271 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Domkal Police Station Case no.83 of 2021 dated 28.02.2021 under Sections 363/365/302/201/34 of the Indian Penal Code of the Indian Penal Code;

And

In Re : **Kalu Mondal @ Babesh Chandra Mandal**

- Petitioner.

Mr. Sabir Ahmed,
Mr. Jisan Iqubal Hossain
... for the petitioner.

Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee
... for the State.

Mr. Ahmed, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No specific overt act has been attributed to the petitioner. The complaint has been registered about two days after the alleged incident. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for 266 days, may not be necessary and he may be enlarged on bail on any stringent condition. He further submits that there are discrepancies between the statements of the witnesses recorded under Sections 161 and 164 of the Code and the contents of the complaint.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and other documents in the case diary.

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

Prima facie, we find strong incriminating materials on record against the petitioner. The discrepancies, as urged by Mr. Ahmed, *prima facie* are not sufficient to come to the conclusion that the entire prosecution case is false, at this stage. Considering the gravity of the offence and the possible extent of the petitioner's complicity 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 for bail, being CRM (DB) 271 of 2022 is, thus, 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.)