

15.06.2022
SL No.49
Saswata
Ct.28
(Rejected)

CRM (DB) 1684 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Ballygunge DD P.S.** Case No. **01/2022** dated **08.01.2022** under Sections **120B/387/395/397** of the **Indian Penal Code.**

And

In the matter of: **Sourav Paliwar**

....Petitioner

Mr. Ayan Bhattacharya
Mr. K.K.Tiwary
Mr. Kushal Kumar Mukherjee
Mr. Rahul Das

...for the Petitioner

Mr. Debasish Roy
Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

...for the State.

Learned lawyer appearing for the petitioner submits he has been falsely implicated in the instant case. He was in custody in connection with another case and had nothing to do with the alleged extortion of the *de facto* complainant.

Learned lawyer for the State opposes the prayer for bail. He submits petitioner had threatened the *de facto* complainant. Co accused Astik Paliwar (whose bail application was rejected by a coordinate Bench of this Court) as well as co-accused Chandan Yadav visited the petitioner in jail prior to the incident.

We have considered the materials on record. The petitioner has criminal antecedents. A number of cases are pending against him in the State of Jharkhand. Co accused Astik Paliwar and Chandan Yadav (who had brandished pistol and fired in presence of the *de facto* complainant) had visited the petitioner in jail.

These materials give rise to a reasonable inference of conspiracy between the petitioner and co accuseds in commission of the crime.

Keeping in mind the aforesaid facts and the gravity of the offence, we are of the opinion that this is not a fit case where the petitioner should be granted bail at this stage.

The application for bail is, thus, ***rejected***.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)