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rejected

C.R.M. (DB) No. 2528 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kolaghat Police Station Case No. 361 of 2021 dated 10.09.2021 under Sections 363/34 of the Indian Penal Code.

And

In Re : Rafikul Mallick @ Rafiul Hossain Mallick petitioner

Mr. Robi Sankar Chatterjee

Mr. Imteaz Ahmed

Mr. Sayan Chattopadhyay

Mr. Mihir Banerjee

... for the petitioner

Mr. Prasun Kumar Datta, learned APP

Mr. Santanu Deb Roy

... for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 36 days. It is further submitted that he has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes prayer for bail and submits petitioner was last seen with the victim. Thereafter victim was kidnapped. He has not been recovered as yet.

We have considered the materials on record. Statements of the witnesses show petitioner had motive to commit the crime. Victim has not yet been recovered.

Under such circumstances, we do not consider it prudent to release the petitioner on bail at this stage.

The application for bail is, thus, rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

