

CRM No.8166 of 2021

Via video conference

10.01.22

(S.R.)

Sl.23

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Dhaniakhali** Police Station Case No.132 of 2021 dated 14/06/2021 under Sections 302/34 of the Indian Penal Code (G.R. No.1221 of 2021);

And

In re: Biswanath Malik

... petitioner.

Mr. Ujjal Ray

... for the petitioner.

Mr. Binay Panda

Ms. Puspita Saha

...for the State.

Languishing in custody since 15th June, 2021, the instant application is filed praying for bail.

Mr. Ray, learned lawyer for the petitioner, submitted that the petitioner was not present on the place of occurrence when the incident took place. He submitted that the petitioner is not in any way involved in the alleged offence and, according to him, there is hardly any material against the present petitioner. The present petitioner is not the principal accused. He also submitted that he will be able to produce the certified copy of the lower Court to substantiate his point. Accordingly, he prays for bail.

Per contra, Ms. Saha, learned lawyer for the State, submitted that there are strong incriminating elements against the present petitioner. Inviting our attention to the statement of the owner of the factory, he stated that the petitioner was very much present on the place of occurrence and has direct complicity in the alleged offence. The allegations are very grave and serious. She strongly opposes the petitioner's prayer for bail.

We have heard the rival submissions and perused the case diary. We find that allegations are not only strong but there are sufficient

incriminating elements to implicate the present petitioner in the alleged offence. It also appears from the statements of the witnesses that he was present on the place of occurrence and has direct complicity in the alleged offence. Considering the nature of offence and extent of incriminating materials, we are not inclined to exercise our discretion in his favour and the same stands rejected at this stage.

The application for bail being CRM No.8166 of 2021 is, accordingly, 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.)