

16.02.2022

Ct. No. 32

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C. R. M. 8318 of 2021

(via video conferencing)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure :

And

In Re: ***Soleman Mallick***

... .. Petitioner

Mr. Mritunjoy Chatterjee
Mr. Debapriya Majumder

... .. for the petitioner

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

... .. for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Jangipara Police Station Case No. 08 of 2021 dated 08.01.2021 under sections 147/148/149/323/325/304/504/506/120B of the Indian Penal Code.

Mr. Chatterjee, learned lawyer appearing for the petitioner, submitted that all the accused persons except the present petitioner are enlarged on bail. Present petitioner is an unfortunate one who is not able to succeed in getting bail application favourably. It is further submitted that the matter has not yet been committed and there is no chance of immediate commencement of trial. Accordingly, he prays for grant of bail.

Per contra, Mr. Mukherjee, learned lawyer appearing for the State, submitted that successive bail applications of the present petitioner were rejected. Inviting our attention to the statements of the

witnesses recorded under Section 161 of the Code of Criminal Procedure, who are the eye-witnesses, he submitted that strong incriminating elements are there against the present petitioner who is the principal accused in the case. Accordingly, he strongly opposes the bail application.

We have considered the rival submissions. Perused the case diary. It appears that the bail application of the present petitioner was last rejected on 30th September, 2021 by a co-ordinate Bench of this Court, copy of which is annexed with the bail application. Earlier on 4th August, 2021 bail application of the same petitioner was also rejected by a co-ordinate Bench. Since then, there is no change of the circumstances warranting re-consideration of grant of bail to the petitioner. Statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure, *prima facie*, shows direct complicity of the present petitioner in the alleged offence.

Considering the seriousness of the allegation and the conspectus of fact as stated above, we are not inclined to allow the bail application at this stage and the same stands rejected.

With the aforesaid observations, the application for bail being CRM 8318 of 2021 is dismissed.

However, we direct the learned Additional Chief Judicial Magistrate, Serampore, Hooghly, to commit the case within a period of fifteen days from the date of receiving the copy of this order without any undue delay.

Learned Registrar (Administration) is directed to serve a copy of this order to the learned Additional Chief Judicial Magistrate, Serampore, Hooghly, immediately.

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.)