

20.12.2023
Sl. No.90
akd
[Rejected]

C. R. M. (DB) 4606 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.12.2023 in connection with Manickchak Police Station Case No.454 of 2023 dated 20.06.2023 under Sections 302/34 of the Indian Penal Code. (G.R. Case No.3874 of 2023)

And

In Re: ***Sarban Mahaldar***

... .. Petitioner

Mr. Rana Mukhopadhyay

... .. for the petitioner

Mr. Goutam Wilson

... .. for the State

1. It is submitted on behalf of the petitioner that co-accused viz. Suranjan Mahalder who has been named by the witness in his statement under Section 164 of the Code of Criminal Procedure has been granted pre-arrest bail. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record including the order granting pre-arrest bail to Suranjan Mahalder. Co-ordinate Bench noted that Suranjan Mahalder was implicated in the statement under Section 164 of the Code of Criminal Procedure but not in the earlier statement to police. Petitioner has been consistently named as the assailant in the statement before police as well as Magistrate. In view of the principal role played by the petitioner and the evidence collected in support of such accusation, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

