

19.02.2021
Court No.28
Item No. 31
Krishnendu
Bail Rejected

**CRM 441 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Shankar Lohar

Petitioner

Mr. Ayan Basu
Mr. Sk. Salim
Mr. Biswajit Tewari
Mr. P.K. Das
Mr. Sumit Routh

For the Petitioner

Mr. Madhusudan Sur, Id. A.P.P.
Mr. Dipankar Pramanick

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Asansol Police Station Case No. 75 of 2020 dated 19.02.2020 under sections 395/397/412 of the Indian Penal Code and under Sections 25/27 of the Arms Act.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for approximately a year and after conclusion of investigation, charge sheet has already been submitted although the case has not been committed to the Court of Sessions. The learned advocate further submits that the petitioner was not identified in the T.I. Parade and the recoveries, so shown to be effected, are questionable touching the root of the case as also the complicity of the present petitioner. Additionally, the learned advocate submits that the

petitioner is innocent of the charges and if he is released on bail, he will abide by any conditions imposed by this Court.

Mr. Sur, learned advocate appearing for the State draws the attention of this Court to the statements of the witnesses and submits that the petitioner was also involved in another case of murder and bullet injuries. The learned advocate for the State further submits that the accused persons, who were granted bail by the learned Court below, were associated with logistics and they were not substantially involved when the alleged offences were being committed. . The learned advocate also draws the attention of this Court to the seizure list thereby referring the articles, which were seized from different accused persons of the case.

We have perused the materials on record, which include the statements of the witnesses as also the seizure list and the reference made in respect of another accused whose bail has been rejected by a co-ordinate Bench of this Court. Having regard to the incriminating materials appearing against the present petitioner, the nature of the offence and his complicity, we are not inclined to release the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

With the aforesaid observation, the application for bail, being CRM No. 441 of 2021, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)