

23.08.2021  
Item no.22.  
Court No.32.  
AB  
**(Rejected)**

**(Via Video Conference)**

**CRM No. 1878 of 2021**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 15.02.2021 in connection with Dhubulia Police Station Case No.270 of 2020 Dated 23.10.2020 under Sections 302/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act

And

**In the matter of : Sentu Shah**

.....Petitioner.

Mr. Debabrata Roy,  
Mr. S. Majumdar .....for the Petitioner.

Mr. Madhusudan Sur, Id. APP,  
Mr. Dipankar Paramanick.....for the State.

The petitioner is one of seven accused persons. He says that he has been falsely implicated in the case. The live cartridge that is alleged to have been recovered from the petitioner does not match the cartridges which have been recovered from the firearm used to shoot the victim. He has been in custody for 286 days. There is no chance of the trial concluding at an early date. In fact, the trial has not yet commenced.

We have considered the material in the case diary including statements of eyewitnesses recorded under Sections 161/164 of the Code of Criminal Procedure. There appears to be at least four eyewitnesses. The charge is grave. One of the co-

accused has been denied bail by a Coordinate Bench of this Court by an order dated August 16, 2021 passed in CRM No.4142 of 2021. Prima facie, it appears, that person and the present petitioner are similarly circumstanced. Further, three of the accused persons are absconding.

In view of the above, we are not inclined to allow the petitioner's prayer for bail, at this stage.

The prayer for bail stands rejected.

C.R.M. No.1878 of 2021 is, accordingly, dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Suvra Ghosh, J.)**

**(Arijit Banerjee, J.)**