

24.12.2021
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Ct. No 29
KAUSHIK
(rejected)

C.R.M. 5367 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Asansol North** Police Station Case No. **46 of 2021** dated **11.02.2021** under Sections 341/324/326/307/396/427/120B of the Indian Penal Code, 1860 read with Section 27 of the Arms Act.

And

In Re : Azad Khan & Anr.

..... petitioners

Mr. Sekhar Kumar Basu
Mr. Diptangsu Basu
Ms. P. Singh

... for the petitioners

Mr. Madhusudan Sur
Mr. Dipankar Pramanick

... for the State

Petitioners seek bail.

Learned senior advocate appearing for the petitioner submits that, the petitioner no. 1 is in custody for 328 days and that the petitioner no. 2 is in custody for 314 days. He submits that the police filed charge-sheet and, therefore, further detention of the petitioners is not required. He highlights the fact that the petitioners were not named in the First Information Report. No TI Parade was carried out to implicate the petitioners.

Learned advocate appearing for the State draws the attention of the Court to the seizure list as also the statements recorded under Section 164 of the Code of Criminal Procedure (Cr. P.C.). He submits that, arms were recovered from the possession of the petitioner no.1 and that the petitioner no. 2 is

named as one of the persons involved in the incident in the statement recorded under Section 164 of the Cr.P.C.

Considering the gravity of the offence and the involvement of the petitioners therein as appearing in the materials in the case diary, we are unable to grant bail to the petitioners.

Accordingly, prayer for bail of the petitioners is rejected and the application being CRM 5367 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)