

01.11.2021

Item No.04

Ct. No 08

Sdas/AJ.

**Rejected**

**C.R.M. 5785 of 2021**  
**(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Katwa Police Station Case No. 44 of 2020 dated 05.02.2020 under Sections 302/120B of the Indian Penal Code and under Sections 25/27 of the Arms Act.

And

In Re : Sandip Ghoah & Ors. .... petitioners

Mr. Sekhar Kumar Basu, Ld. Sr. Adv,  
Mr. Abhijit Ganguly,  
Mr. Shiladitya Banerjee,  
Ms. Raya Rudra.

... for the petitioners

Mr. Swapan Banerjee,  
Mr. Suman De.

... for the State

This is for the third time that the petitioners are seeking their release on bail in connection with Katwa Police Station Case No. 44 of 2020 dated 05.02.2020 under Sections 302/120B of the Indian Penal Code and under Sections 25/27 of the Arms Act.

It is submitted by Mr. Basu, learned senior advocate appearing on behalf of the petitioners that the case is based on circumstantial evidence and that there is no direct evidence against the petitioners.

Mr. Banerjee, learned advocate appearing on behalf of the State has drawn our attention to the case diary including the

pages at 132 and 133, being the statements of the witnesses and the seizure list relating to recovery of the improvised fire arms which were used by the petitioners in the commission of the offence.

Having regard to the nature of the offence and on consideration of the fact that the trial is in process and that the date for trial is fixed on 16.12.2021, the prayer as made on behalf of the petitioners is considered and rejected.

Accordingly, application for bail being CRM 5785 of 2021 is rejected.

**(Ananda Kumar Mukherjee, J.)**

**(Shivakant Prasad, J.)**